

# 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:

### Important Notice

Please note, the

## REVISED - May 12, 2020

River Delta Unified School District Board meeting will be held as a teleconference (Webinar); at the River Delta USD, District Office and will be closed to the public. Please see River Delta USD Meeting Logistics section below for options to view and participate in the meeting.

### River Delta USD Board Meeting Logistics

#### Meeting will be held remotely

To join the meeting, register with the link below; see the Public Comment section to address the Board or comment on agenda or non agendized items.

[https://us02web.zoom.us/webinar/register/WN\\_83JsqG05S6mJgw3nYJA6lq](https://us02web.zoom.us/webinar/register/WN_83JsqG05S6mJgw3nYJA6lq)

*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: \_\_\_\_\_

Roll Call Vote:

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

8. **Public Comment:** As the result of the Coronavirus Pandemic (COVID-19), on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20. This order includes directives canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. The Governor has also issued Executive Order N-33-20, prohibiting people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment. The health and well-being of our students, staff and community members are the top priority for the Board of Trustee of River Delta Unified School District. To facilitate this process, the meeting of the Board of Trustees will be available via a Zoom Webinar.

We have modified the meeting procedures while the Shelter In Place (SIP) for Coronavirus Pandemic (COVID-19) is in place.

To address the Board during public comment or on any item listed on the Agenda, please follow these instructions:

- 1) Using the link “Public Comment Card”, complete the Google form and submit. The form must be submitted prior to Open Session. Once filled out and submitted, your comments will be read during agenda item 8: Public Comment.

**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 Superintendent Wright’s report(s)
    - 9.1.2.1 Announcement: Sacramento County Committee will be holding a Public Hearing to consider the change in election method for River Delta Unified School District
- 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, Chief Business Officer
  - 9.2.2 Monthly Financial Report – Elizabeth Keema-Aston, Chief Business Officer
    - 9.2.2.1 D.H. White Modular Classroom Construction Project Update – Elizabeth Keema-Aston, Chief Business Officer
    - 9.2.2.2 Presentation regarding proposed bond measure(s) facilities and financial plan(s) – Matt Kolker, Governmental Financial Strategies
    - 9.2.2.3 May Revise Preview, provided by the Department of Finance
  - 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, Director of Educational Services
- 9.4 River Delta Unified Teacher’s Association (RDUTA) Update
- 9.5 California State Employee’s Association (CSEA) Chapter #319 Update

**10. Consent Calendar**

- 10.1 Approve Board Minutes  
Regular Meeting of the Board, April 14, 2020
- 10.2 Receive and Approve Monthly Personnel Reports  
As of May 12, 2020
- 10.3 District’s Monthly Expenditure Report  
April 2020
- 10.4 Board – Victoria Turk and Laura Uslan

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

Action Items -- Individual speakers shall be allowed two minutes to address the Board on any agenda item. The Board may limit the total time for public input on each agenda item to 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. Procedures for Public comment will follow the same process as in number 8.

11. Request to approve the first reading of the updated or new Board Policies, Administrative Regulations or Exhibits due to new legislation or mandated language and citations revisions as of March 2020 – Katherine Wright, Superintendent

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

- 12. Request to approve Resolution #787 Authorizing FY 2019-2020 expenditures from Educational Protection Act Funds (Prop. 30) – Elizabeth Keema-Aston, Chief Business Officer

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

- 13. Request to approve two new elective classes at Riverview Middle School: History Enrichment and STEM Coding – Marcy Rossi, Riverview Middle School Principal and Nicole Latimer, Director of Education Services and Special Education

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

- 14. Request to approve the Special Education Local Plan Agency (SELPA) Certification Agreement to State & Federal Assurances – Nicole Latimer, Director of Education Services and Special Education

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

- 15. Request to approve the revised of the Board Policies, Administrative Regulations or Exhibits for BP/AR 5116.1 Intra-district Open Enrollment as well as the COVID-19 Special Release Board Policies, April 2020 – Katherine Wright, Superintendent

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

- 16. Request to approve the contract extension for one year to retain Sodexo as the Food Service Management Company for River Delta USD for FY 2020-21 – Elizabeth Keema Aston, Chief Business Officer

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

- 17. Re-Adjourn to continue Closed Session, if needed

- 18. Report of Action taken, if any, during continued Closed Session (Government Code Section 54957.1) - Board President Fernandez

- 19. Adjournment

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

Roll Call Vote:

Member Fernandez \_\_; Member Olson \_\_; Member Riley \_\_; Member Casillas \_\_; Member Elliott \_\_; Member Stone \_\_; Member Mahoney \_\_

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, District administrative offices and that the Board of Trustees Members, school sites, and the community libraries were provided notice or caused to be provided notice via fax, e-mail and/or hand delivery on Friday, May 8, 2020, 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:

**May 12, 2020**

**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 May 12, 2020, via zoom meeting, (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 (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

4.3.4.1 Resolution #786 non-re-employment for the 2020-2021 school year for Probationary 0, I & II Certificated Staff – Katherine Wright, Superintendent

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Roll Call Vote:

Member Fernandez \_\_\_; Member Olson \_\_\_; Member Riley \_\_\_; Member Stone \_\_\_; Member Elliott \_\_\_; Member Casillas \_\_\_; Member Mahoney \_\_\_

**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 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 9.1.2.1

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

**SUBJECT:**

The Public Hearing of the Sacramento County Office of Education's County Committee regarding the District's **'PROPOSED CHANGE THE ELECTION METHOD FROM "HYBRID AT-LARGE" TO "TRUSTEE-AREA"'**

**BACKGROUND:**

On December 17, 2019, the Board adopted Resolution #774: Initiating the Process of changing the election method of electing the members of its Board of Trustees to a "By Trustee Area" to take effect commencing with the November 2020 Elections.

On December 17, 2019 the Board adopted Resolution #776: A proposal to the Sacramento County Committee on School District Organization for the Adoption of "Trustee-Area" Elections as submitted.

**STATUS:**

The Sacramento County Committee, will be holding a Public Hearing on May 19<sup>th</sup> at 5:30pm via Zoom meeting regarding the District's request to change the election method used to elect the members of its Board of Trustees.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board announces that the Sacramento County Office of Education's County Committee will be holding a Public Hearing on May 19, 2020 at 5:30pm regarding the District's **'PROPOSED CHANGE THE ELECTION METHOD FROM "HYBRID AT-LARGE" TO "TRUSTEE-AREA".'**

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: May 12, 2020

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

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: 9.2.1

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

**SUBJECT:**

P-2 Attendance report

**BACKGROUND:**

With the Shelter in Place order and implementation of distance learning the data for monthly student enrollment and attendance is unavailable. However, using February 14, 2020 as the final date for P-2 ADA the numbers have been calculated.

Our 2<sup>nd</sup> Interim P-2 estimation was 1,881.78 with the actual numbers of 1,864.81, a decrease of 16.97 ADA. The district will also add to that the ADA for pupils enrolled in SCOE programs 7.15 for an LCFF funded ADA of 1,871.96.

These numbers are slightly higher than our prior year ADA of 1859.77, which would have been our guaranteed funding if we dropped below that number.

These same numbers will also be used for P-Annual ADA per CDE guidelines.

**STATUS:**

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

**COST AND FUNDING SOURCES:**

Not Applicable

**RECOMMENDATION:**

That the Board accepts the P-2 Attendance information 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: May 12, 2020

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  
 April 30, 2020

Working Budget						Actuals thru: 4/30/2020					
	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	16,913,135	17,253,724	5,343,752	19,608,499	1,606,917	18,001,582	106.44%	14,115,890	81.81%	
Restricted	955,689	7,887,539	8,073,581	769,647	1,938,523		1,938,523	24.58%	4,967,245	61.52%	
Combined	6,640,030	24,800,674	25,327,305	6,113,399	21,547,023	1,606,917	19,940,106	80.40%	19,083,135	75.35%	
<b>2019-20 TRAN's \$500,000</b>											
<b>Other Funds</b>											
Adult Ed. ( 11 )	58,321	106,956	118,277	47,000	62,327		62,327	58.27%	77,836	65.81%	
Child Development ( 12 )	5,996	302,381	308,377	-	193,130		193,130	63.87%	192,777	62.51%	
Cafeteria ( 13 )	60,295	1,053,172	1,087,722	25,745	601,118		601,118	57.08%	656,551	60.36%	
Sp. Res-Other than Cap. Outlay ( 17 )	70,659	710	-	71,369	706		706	99.44%	-	0.00%	
Bond Fund ( 21 )	274,451	38,600	251,493	61,558	20,497		20,497	53.10%	244,717	97.31%	
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	463,180	863,108	924,291	201,654		201,654	43.54%	279,991	32.44%	
County School Facilities ( 35 )	3,305	33	-	3,338	33		33	100.00%	-	0.00%	
Capital Projects ( 49 )	3,309	128,905	8,334	123,880	60,265		60,265	46.75%	6,268	75.21%	

The General Fund unrestricted revenue appears as over 100% because the actual contribution to other programs has not been made yet. This is done as part of year end closing.



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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

Attachments:   X  

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: 9.2.2.1

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

**SUBJECT:**

Monthly Board update on the two modular classroom construction project at DH White Elementary School

**BACKGROUND:**

Due to development and growth in the Rio Vista area the Board has approve the reconfiguration of DH White Elementary School site from a K-5 site to a K-6 site beginning in school year 2020-21. To accommodate the 6<sup>th</sup> grade classes at DH White the district is constructing two modular classrooms.

**STATUS:**

Each month the Chief Business Officer prepares a monthly summary of the ongoing project, showing the original budget, vendor contracts, change orders, expenses to date and the remaining funds.

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT: N/A**

**COST AND FUNDING SOURCES: N/A**

**RECOMMENDATION:**

That the Board receives the monthly project summary report.

Time allocated: 3 minutes

**River Delta Unified School District**  
**TRACK AT A GLANCE**

Modular Buildings at D. H. White Elementary School

FINAL

May 6, 2020

**Description:** New Modular Classrooms  
**Buildings:** 2  
**Square Feet:** 1,920

**3-23-20 Revised Budget A-G**      \$    759,895.69

**A. SITE**

	Preliminary 2/7/20 Budget	Revised 3/23/20 Budget	Change Order	Contract Amount	Actual to Date	Remaining
1 SITE ACQUISITION/APPRaisal/TITLE	\$ 0	0				-
2 SURVEY	\$ 0	0				-
3 SITE SUPPORT - BOND FEES	\$ 0	0				-
4 LEGAL FEES - Allowances	\$ 3,500.00	3,500.00			1,385.00	2,115.00
5 OTHER (EIR/Negative Declaration)	\$ 0	0				-
6 OTHER	\$ 0	0				-
<b>SITE SUBTOTAL</b>	<b>\$ 3,500.00</b>	<b>3,500.00</b>	<b>0.00</b>	<b>-</b>	<b>1,385.00</b>	<b>2,115.00</b>

**B. PLANS**

1 ARCHITECT'S FEE FOR PLANS	\$ 21,800.00	21,800.00		21,800.00	17,261.46	-
2 DSA PLAN CHECK FEE - SSS/FLS	\$ 8,530.00	8,358.00				8,358.00
3 DSA HOURLY FEES ALLOWANCE	\$ 0	0				-
4 HEALTH DEPARTMENT	\$ 0	0				-
5 ENERGY ANALYSIS FEES	\$ 0	0				-
6 DEPARTMENT OF EDUCATION - PLAN CHECK FEE	\$ 0	0				-
7 PRELIMINARY TESTS	\$					-
A. SOILS	\$ 15,000.00	6,010.00				6,010.00
B. OPSC & YRE CONSULTANTS	\$ 0.00	0.00				-
C. BIDDING AND ADVERTISING	\$ 2,500.00	2,464.00				2,464.00
D. ENGINEERING/CONSULTING	\$ 0	0				-
E. HAZARDOUS MATERIAL SURVEY/SPECS	\$ 0	0				-
8 ADMINISTRATIVE COSTS	\$ 0	0				-
<b>PLANS SUBTOTAL</b>	<b>\$ 47,830.00</b>	<b>38,632.00</b>	<b>0.00</b>	<b>21,800.00</b>	<b>17,261.46</b>	<b>16,832.00</b>

**C. CONSTRUCTION**

1 A. UTILITY SERVICE FEES	\$ 0	0				-
B. UTILITY SERVICE IMPROVEMENTS	\$ 0	0				-
2 OFF-SITE DEVELOPMENT	\$ 0	0				-
3 SERVICE SITE DEVELOPMENT	\$ 0	0				-
4 GENERAL SERVICE SITE DEVELOPMENT	\$ 188,658.17	290,000.00		290,000.00		-
5 MODERNIZATION	\$ 0	0				-
6 DEMOLITION / INTERIM HOUSING*	\$ 0	0				-
7 NEW CONSTRUCTON	\$ 356,048.06	217,603.35		167,512.74		50,090.61
8 A. UNCONVENTIONAL ENERGY SOURCES	\$ 0	0				-
B. SPECIAL ACCESS COMPLIANCE	\$ 0	0				-
C. TECHNOLOGY ALLOWANCE	\$ 0	0				-
9 ENVIRONMENTAL ABATEMENT	\$ 0	0				-
10 AIR MONITOR CLEARANCE	\$ 0	0				-
11 PROJECT MANAGEMENT	\$ 79,000.00	79,000.00		79,000.00	16,629.55	-
12 OTHER (ITEMIZE)	\$					-
A. Labor Compliance	\$ 0	0				-
B. MOVING/STORAGE (District Expense)	\$ 0	0				-
C. UNDERGROUND UTILITY SEARCH	\$ 0	0				-
<b>CONSTRUCTION SUBTOTAL</b>	<b>\$ 623,706.23</b>	<b>586,603.35</b>	<b>0.00</b>	<b>536,512.74</b>	<b>16,629.55</b>	<b>50,090.61</b>
<b>D. TESTS (CONSTRUCTION LAB)</b>	<b>\$ 5,447.06</b>	<b>8,900.00</b>		<b>8,190.00</b>		<b>710.00</b>
<b>E. INSPECTION (IOR)</b>	<b>\$ 31,800.00</b>	<b>44,000.00</b>		<b>44,000.00</b>		<b>-</b>
<b>F. FURNITURE AND EQUIPMENT</b>	<b>\$ 27,500.00</b>	<b>27,500.00</b>				<b>27,500.00</b>
<b>G. CONTINGENCIES</b>	<b>\$ 54,470.62</b>	<b>50,760.34</b>				<b>50,760.34</b>
<b>TOTAL ESTIMATED COSTS (ITEMS A THROUGH G)</b>	<b>\$ 794,253.91</b>	<b>759,895.69</b>	<b>0.00</b>	<b>610,502.74</b>	<b>35,276.01</b>	<b>148,007.95</b>

don't include in board info.

<b>Total Budget</b>	\$ 759,895.69
Change Order	\$ -
Contracts	610,502.74
Expensed	35,276.01
P.V. Expenses	\$ 1,385.00
Remaining	\$ 148,007.95
 Remaining in Chartq	 148,007.95
Difference, Should be -0-	\$ -

# BOARD OF TRUSTEES RIVER DELTA UNIFIED SCHOOL DISTRICT

445 Montezuma Street  
Rio Vista, California 94571-1561

## BOARD AGENDA BRIEFING

Meeting Date: May 12, 2020

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 9.2.2.2

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

### SUBJECT:

Potential November 3, 2020 Bond Measure Election Presentation from Matt Kolker of Governmental Financial Strategies

### BACKGROUND:

School Bond Measures "U" (SFID 1) and "V" (SFID 2) were formed in 2004. The River Delta Unified School District may try to secure funding for facilities needs through a Bond Measure during the November 2020 elections.

### STATUS:

Mr. Kolker of Governmental Financial Strategies will review of School Facilities Improvement District (SFID) #1 and #2, a brief overview of the Public Opinion Survey Results and the next steps for potential new Bond Measures during the Election(s) in November 2020.

### PRESENTER:

Matt Kolker of Governmental Financial Strategies, Inc.

### OTHER PEOPLE WHO MIGHT BE PRESENT:

Staff and community members

### COST AND FUNDING SOURCES:

Funded through the contract with Governmental Financial Strategies approved on August 13, 2019.

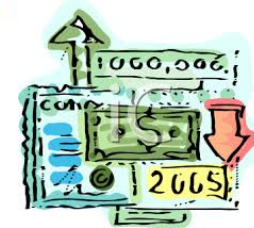
### RECOMMENDATION:

That the Board receives the information provided by Matt Kolker of Governmental Financial Strategies

Time allocated: 15 minutes

# River Delta Unified School District

Potential November 3, 2020  
Bond Measure Election



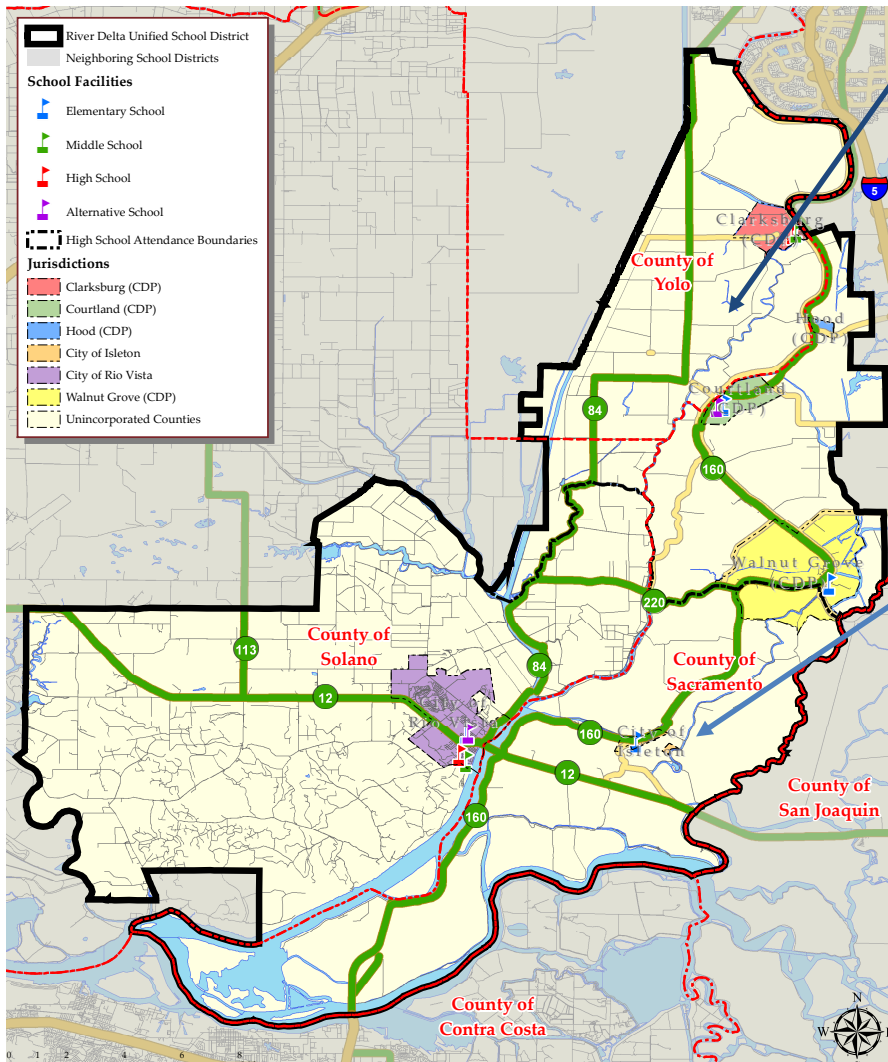
Presented by Matt Kolker  
May 12, 2020

# Our Agenda for Today

- ◆ Brief Review of School Facilities Improvement District (SFID) Numbers 1 and 2.
- ◆ Brief Review of Public Opinion Survey Results and Bond Financial Plans for SFIDs
- ◆ Top 20 Property Taxpayers (by billing address)
- ◆ Next Steps for November 6, 2020 Bond Measure Elections
- ◆ For Reference
  - ▶ Additional Information Regarding Tax Base Demographics
  - ▶ February 18, 2020 Presentation



# SFIDs No. 1 and No. 2



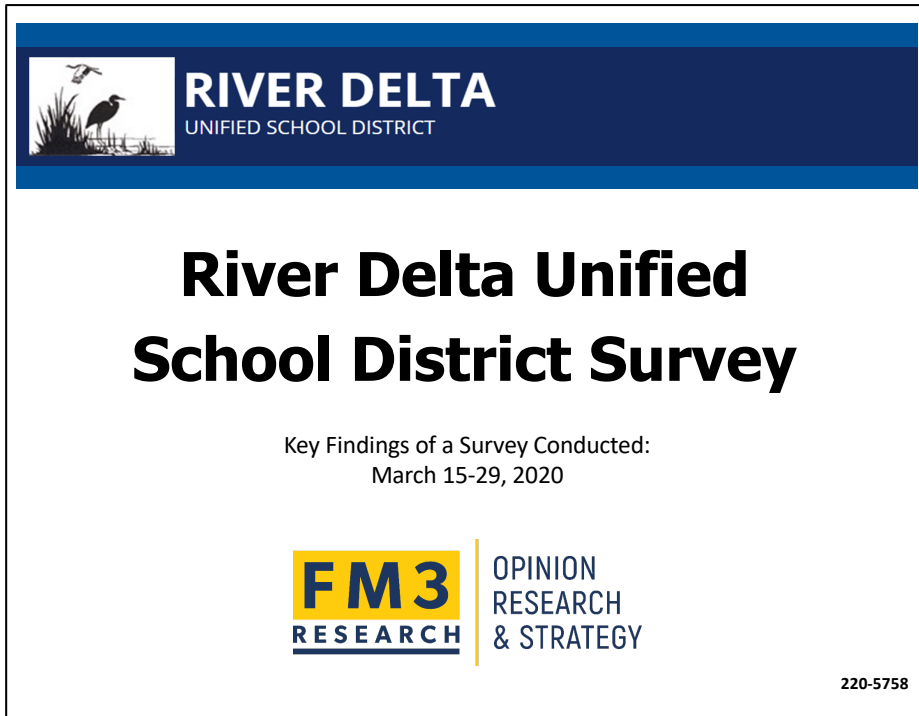
## ◆ SFID No. 2

- ▶ Formed in 2004
- ▶ Boundary equals attendance boundary of Delta High School
- ▶ Includes Clarksburg, Courtland, Walnut Grove, and unincorporated portions of Sacramento, Solano and Yolo Counties
- ▶ 22.4% of current total School District AV

## ◆ SFID No. 1

- ▶ Formed in 2004
- ▶ Boundary equals attendance boundary of Rio Vista High School
- ▶ Includes Rio Vista, Isleton, and other unincorporated portions of Sacramento and Solano Counties
- ▶ 77.6% of current total School District AV

# SFID No. 1 Survey Findings



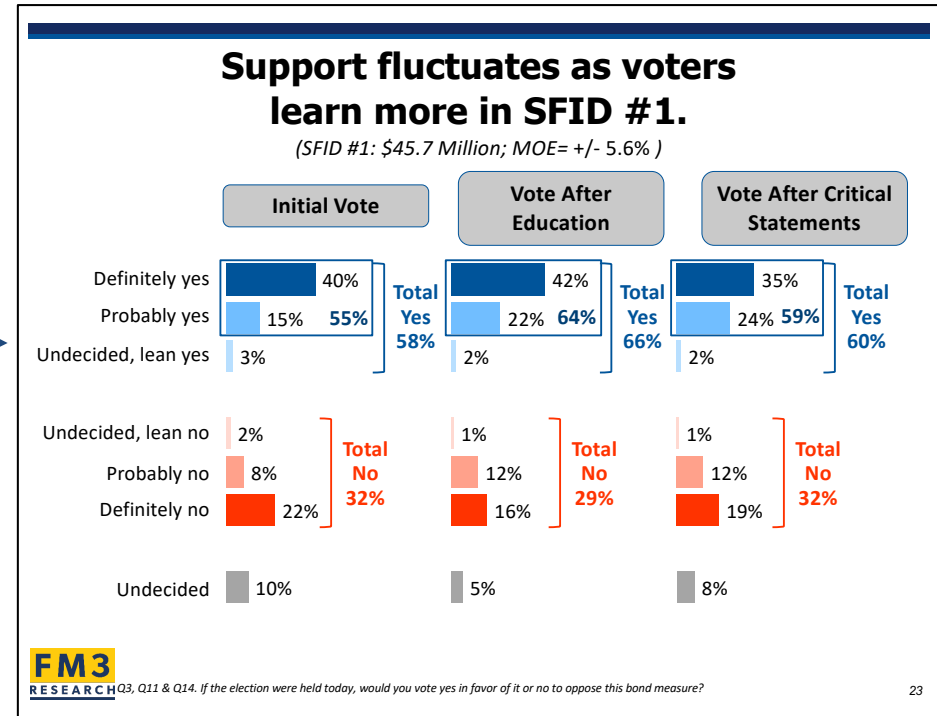
**RIVER DELTA**  
UNIFIED SCHOOL DISTRICT

## River Delta Unified School District Survey

Key Findings of a Survey Conducted:  
March 15-29, 2020

**FM3** RESEARCH | OPINION RESEARCH & STRATEGY

220-5758

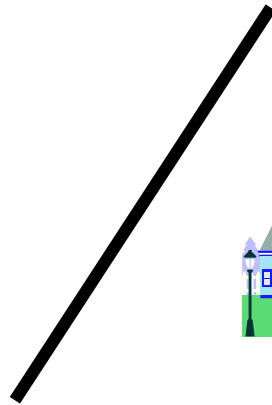


- ◆ According to Survey:
  - ▶ 60% support for \$45.7 million bond measure - based on margin of error (+/- 5.6%), potential support ranges from 54.4% - 65.6%.
- ✓ 55% voter support required.

# Recall: Bond Tax Levies

(Maximum projected tax levy for a unified school district for a 55% general obligation bond measure is \$60 / \$100,00 AV)

- ◆ Bond tax rate  $\approx$  debt service  $\div$  assessed value
  - ▶ Debt service consists of principal and interest
- ◆ Each property in the District pays its pro rata share, based on its individual assessed value (not market value)

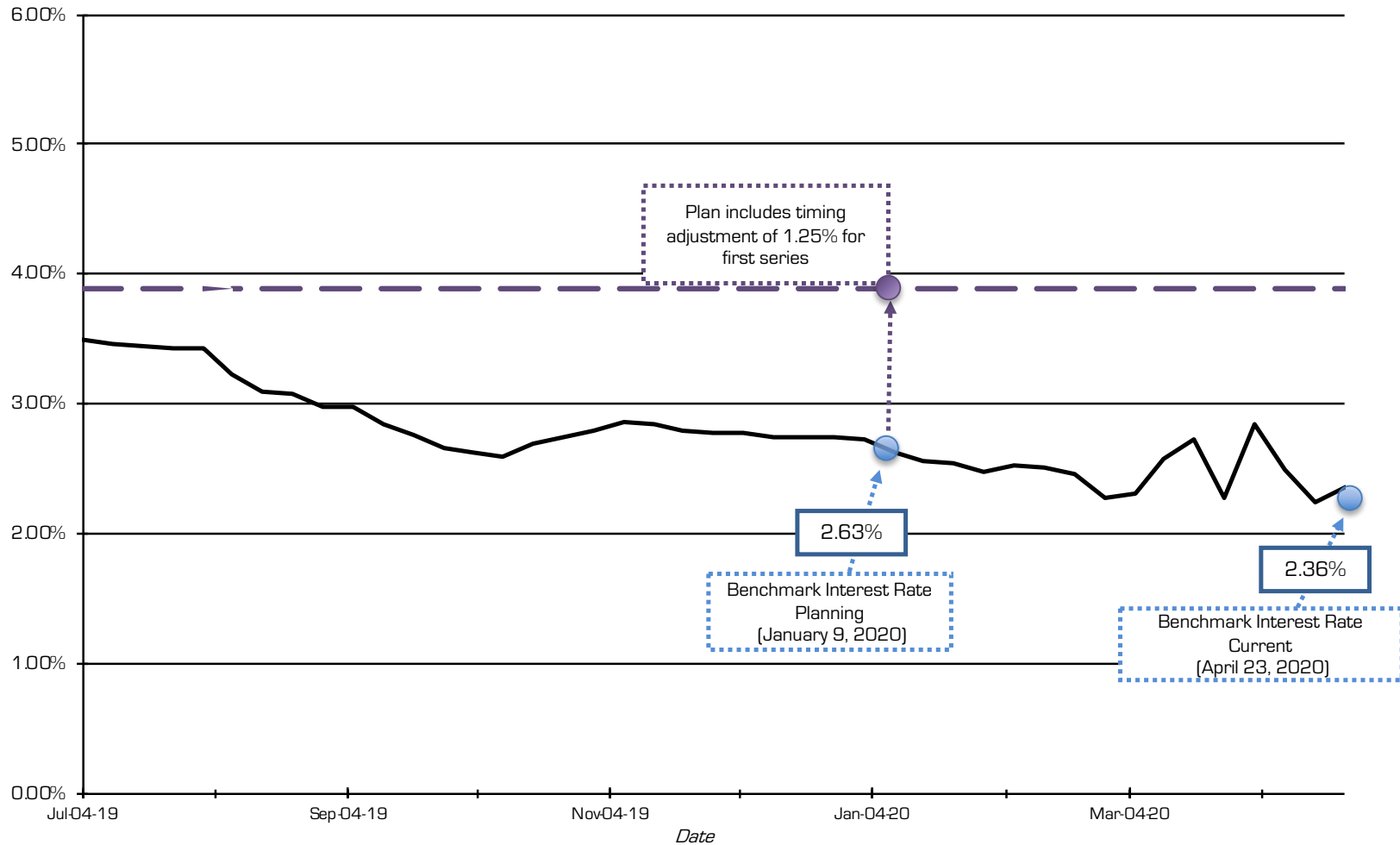




# Interest Rates are Volatile

Interest Rate

The Benchmark Municipal Bond Interest Rate has Fluctuated Recently; Bond Financial Plan Assumes Interest Rates Will Increase

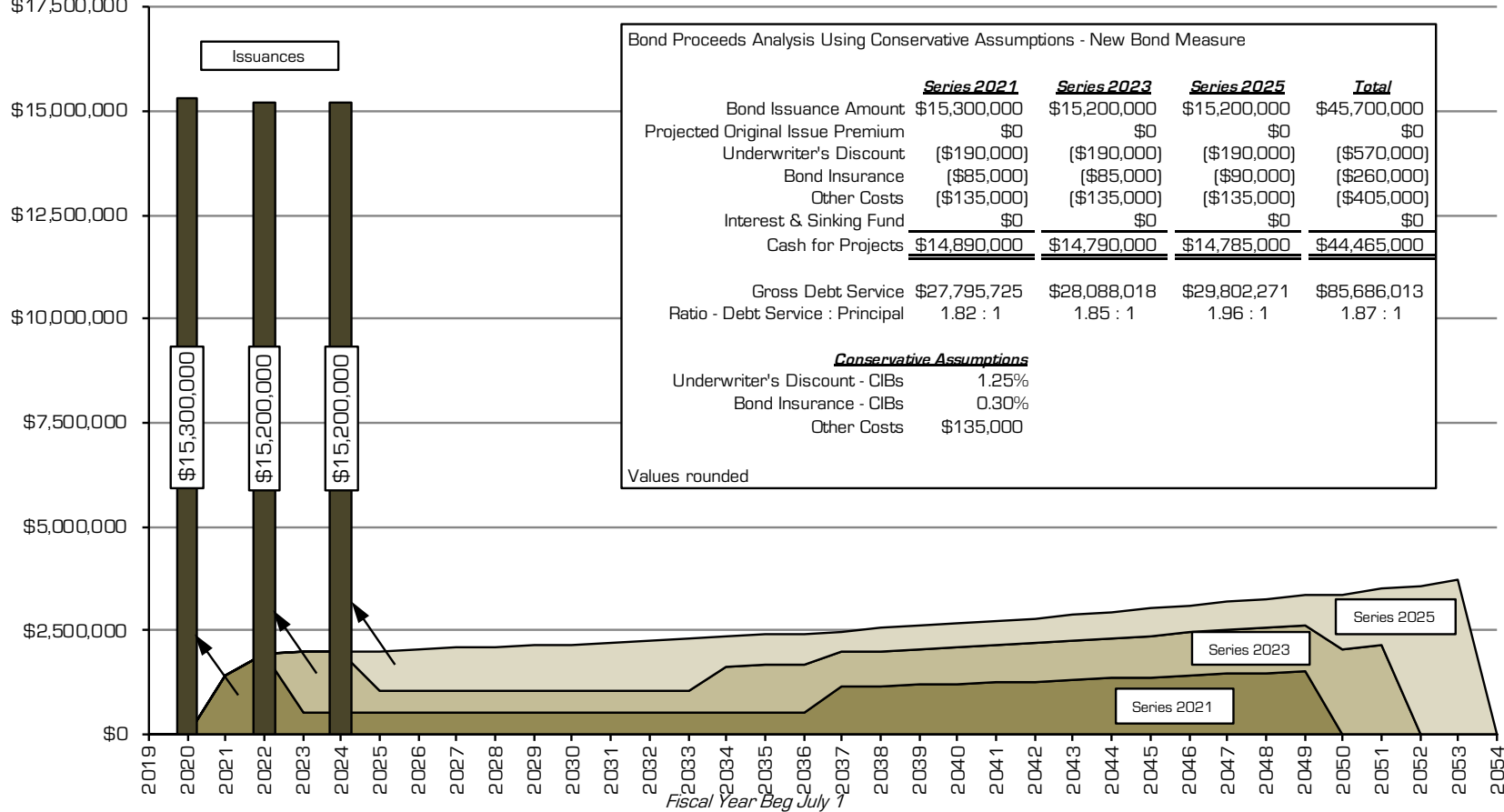


Notes: The 20-Bond Index consists of 20 general obligation bonds that mature in 20 years and is compiled every Thursday. The average rating of the 20 bonds is roughly equivalent to Moody's Investors Service's Aa2 rating and Standard & Poor's Rating Service AA.

# SFID No. 1 - \$45.7 Mil. Nets \$44.5 Mil. For Facilities

Issuance/Net  
Debt Service  
\$17,500,000

**\$45.7 Million Projected for New SFID #1 Bond Measure**



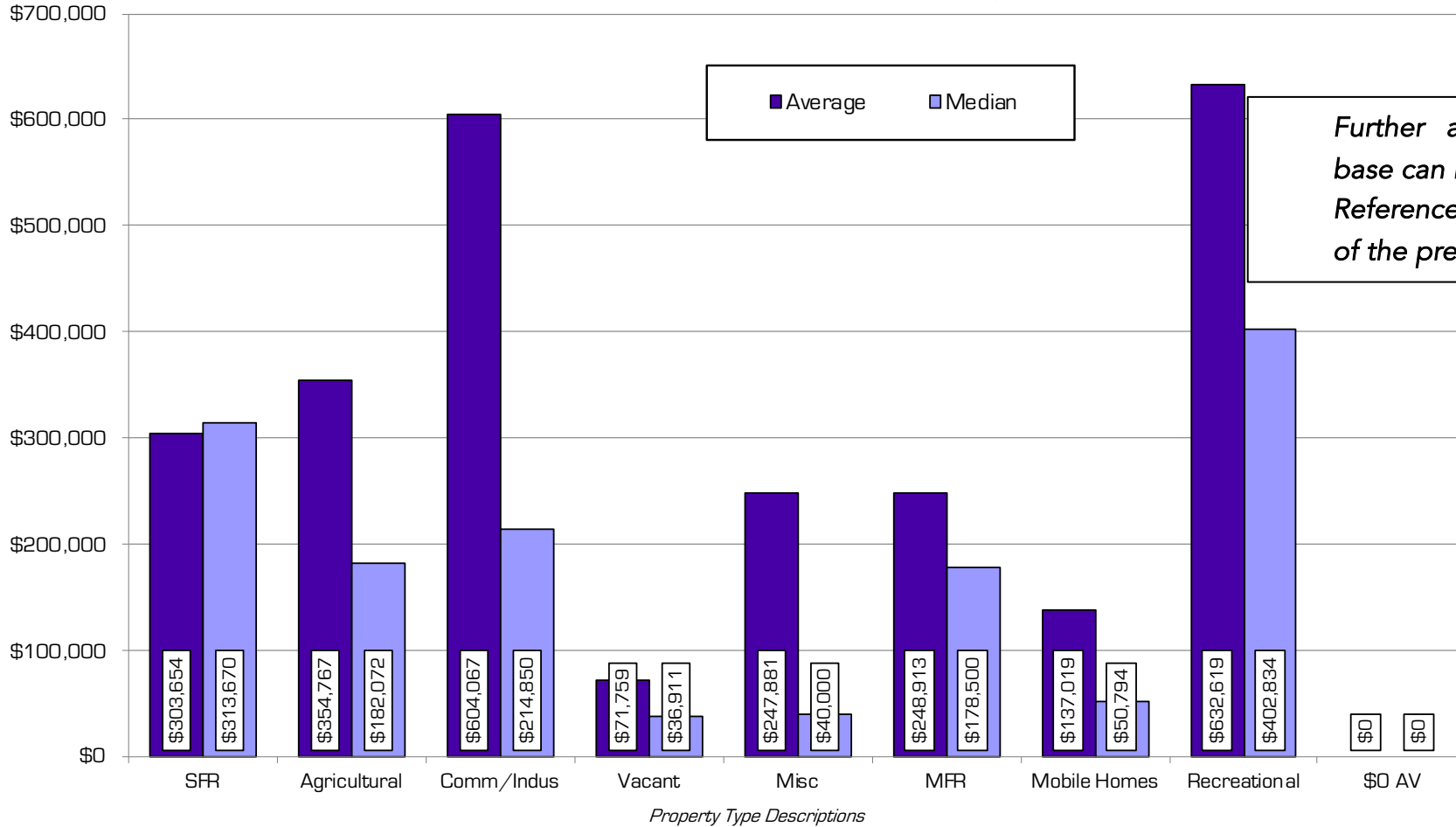
Based on 2019-20 AV, with 3% assumed annual growth in net local secured, a 5% annual decline in local unsecured AV, while all other AV types are assumed to remain unchanged. MMD "AAA" rates as of Jan 6, 2020, adjusted +75bp for assumed "A+" rating, plus timing adjustments for potential rate increasing prior to bond issuance of +125bp (2021), +150bp (2023), & +200bp (2025).

✓ Based on a projected average tax levy of \$60 per \$100,000 of assessed value.

# SFID No. 1 - Understanding Who Pays What

**SFR Average and Median Assessed Values are Relatively Close, as Expected,  
Especially Relative to Other Property Types**

Average &  
Median AV



Further analysis of the tax base can be found in the "For Reference" section at the end of the presentation.

Note: 2019-20 assessment roll as provided by Sacramento and Solano County Assessors' offices. Misc comprised of County categories: Misc, Institution, Public & Utility, & Res-Other; Comm/Indus comprised of Commercial & Industrial. Percentages rounded.

# SFID No. 1 - What it Means for the "Typical" Taxpayer

**CHARLES LOMELI TAX COLLECTOR**  
675 TEXAS STREET, SUITE 1900  
FAIRFIELD, CA 94533-6337  
PHONE 707-784-7485  
E-MAIL: TTCCC@SOLANOCOUNTY.COM

**SOLANO COUNTY 2019-2020  
SECURED PROPERTY TAX STATEMENT  
FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020**

ASSESSMENT NUMBER: [REDACTED] Original

PROPERTY ADDRESS / DESCRIPTION: [REDACTED] 0.12 Acres

MAIL TO: [REDACTED]

Mailing address and owner information is not available online - It has been removed -

4028  
TAX RATE AREA CORTAC AGENCY

TAXING ENTITY		TAX RATE	CHARGE AMOUNT	TAXING ENTITY		PHONE NUMBER	CHARGE AMOUNT
1	PCT Tax Limitation	1.000000%	\$3,136.90	Cfd 2006-1	Police & Fire Svcs	(800) 676-7516	\$646.80
SC	Water Agency St Water Proj	0.020000%	\$62.72	Sf	Bay Rest Auth-Measure Aa	(888) 508-8157	\$12.00
San Joaquin Cc	2004 GOB S2018d	0.004100%	\$12.86	Cfd 2006-1	Facilities(ex 7406)	(800) 676-7516	\$450.74
San Joaquin Cc	GOB Ser 2014c	0.001600%	\$5.00				
San Joaquin Cc	GOB 2015 Refund	0.014200%	\$44.54				

\*\*\* INTERNET COPY \*\*\*

	ASSESSED VALUE
LAND	69,263
IMPROVEMENTS	251,427
PERSONAL PROPERTY	0
MINERALS	0
<b>GROSS TOTAL ▶</b>	<b>320,690</b>
HOMEOWNER'S EXEMPTION	7,000
OTHER EXEMPTIONS	0
<b>NET TOTAL ▶</b>	<b>313,690</b>


\* If a mortgage company is responsible for paying your taxes, please contact them.

**TAX REDUCTION FOR THE STATE FINANCED  
PROPERTY TAX RELIEF PROGRAM**

ADD 10% PENALTY AFTER	1st Installment	ADD 10% PENALTY AND \$20.00 COST AFTER	2nd Installment
Dec 10, 2019	<b>\$2,185.78</b>	Apr 10, 2020	<b>\$2,185.78</b>

- ◆ Sample Tax Bill at approximate median single-family residential net assessed value (\$313,690), with a total property tax of \$4,371.56
  - ◆ Direct Levies = \$1,109.54
  - ◆ Ad Valorem Taxes = \$1.0398 per \$100 of Assessed Value
    - ▶ In this case, a total of \$3,262.02
      - Measure U = \$0.00\*
  - ◆ *New Measure would add \$188.22*
- \* The tax rate for Measure U in 2019-20 was \$0 per \$100,000 AV; projected to be \$28.10 in 2020-21.


# SFID No. 2 Survey Findings



**RIVER DELTA**  
UNIFIED SCHOOL DISTRICT

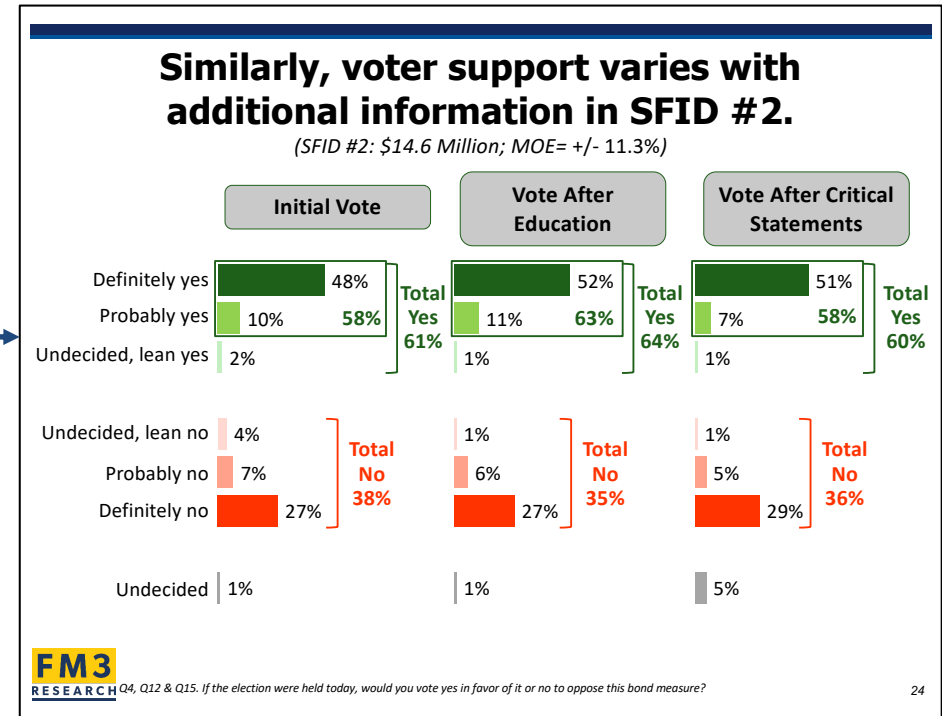
## River Delta Unified School District Survey

Key Findings of a Survey Conducted:  
March 15-29, 2020



OPINION RESEARCH & STRATEGY

220-5758

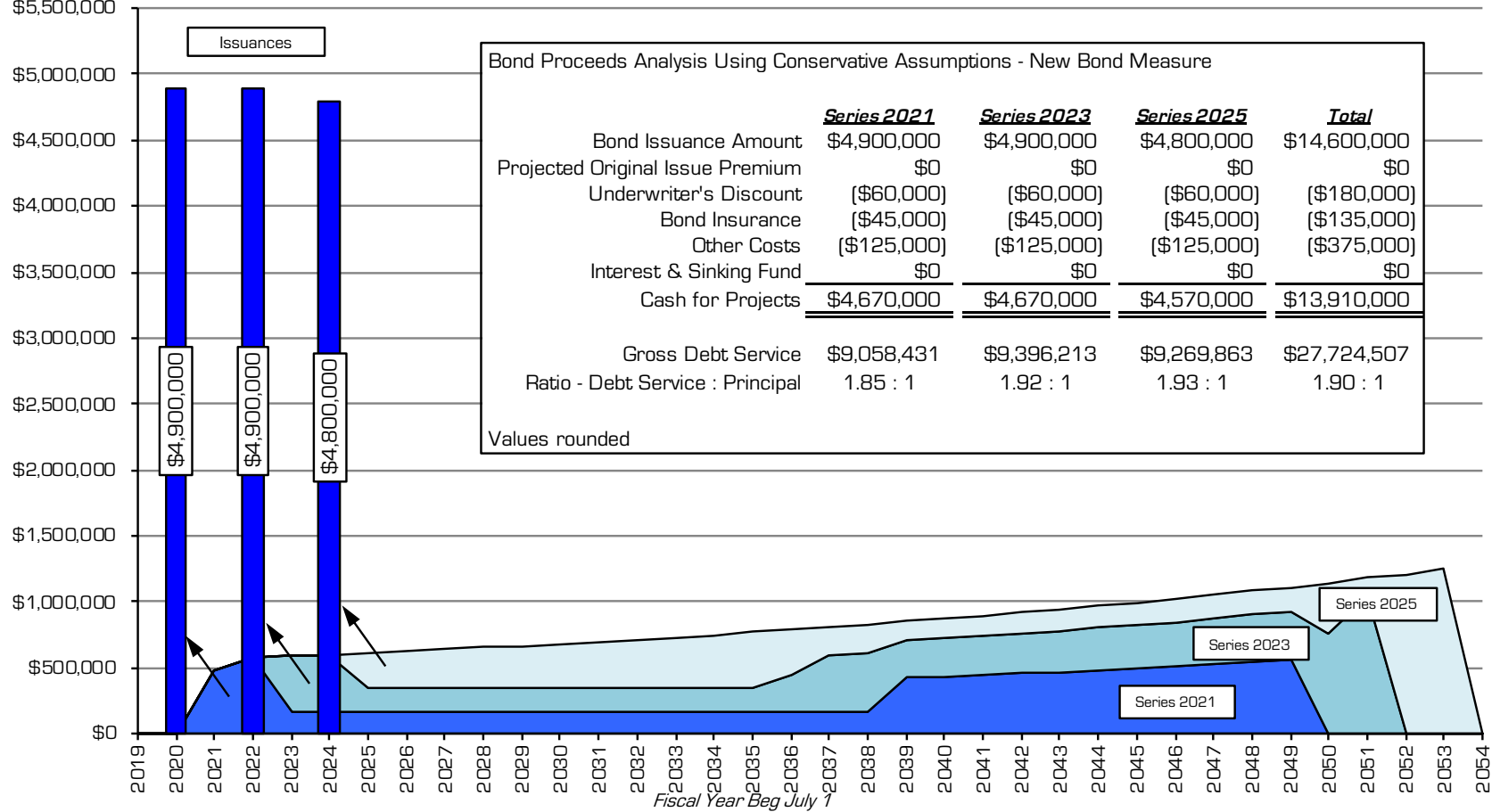


- ◆ According to FM3 Research:
  - ▶ 60% support for \$14.6 million bond measure - based on margin of error (+/- 11.3%), potential support ranges from 48.7% - 71.3%.
- ✓ 55% voter support required.

# SFID No. 2 - \$14.6 Mil. Nets \$13.9 Mil. For Facilities

Issuance/Net  
Debt Service  
\$5,500,000

**\$14.6 Million Projected for New SFID #2 Bond Measure**



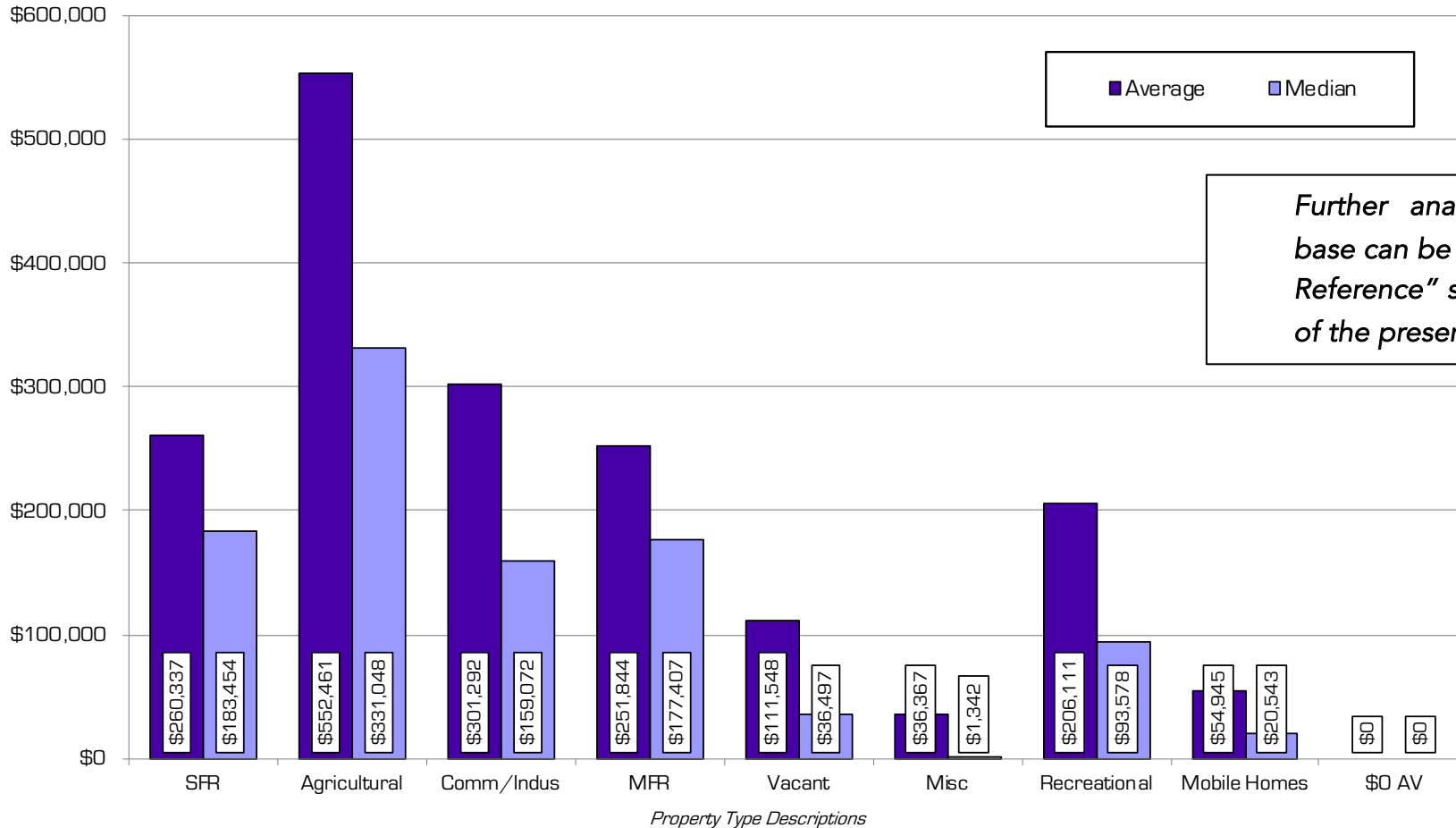
Based on 2019-20 AV, with 3% assumed annual growth in net local secured, a 5% annual decline in local unsecured AV, while all other AV types are assumed to remain unchanged. MMD "AAA" rates as of Jan 6, 2020, adjusted +75bp for assumed "A+" rating, plus timing adjustments for potential rate increasing prior to bond issuance of +125bp (2021), +150bp (2023), & +200bp (2025).

✓ Based on a projected average tax levy of \$60 per \$100,000 of assessed value.

# SFID No. 2 - Understanding Who Pays What

Average &  
Median AV

SFR Average and Median Assessed Values are Further Apart than Typical



Further analysis of the tax base can be found in the "For Reference" section at the end of the presentation.

Note: 2019-20 assessment roll as provided by Sacramento, Solano, and Yolo County Assessors' offices. Misc comprised of County categories: Misc, Institution, Public & Utility, & Res-Other; Comm/Indus comprised of Commercial & Industrial. Percentages rounded.

# SFID No. 2 - What it Means for the "Typical" Taxpayer

TBUN2WEB  
1.2.002

**YOLO COUNTY 2019 - 2020 PROPERTY TAX BILL**  
Yolo County Department of Financial Services  
Tax Collection Division, 625 Court St, Room #102, P.O. Box 1995, Woodland CA 95776  
SECURED TAX ROLL FOR FISCAL YEAR JULY 1, 2019 - JUNE 30, 2020

04/28/2020  
8:01:09PM

PROPERTY INFORMATION		IMPORTANT MESSAGES	
ASMT NUMBER:	TAX RATE AREA: 058012	Original bill date 09/20/2019	
ORIG ASMT:	ACRES: 0.00		
FEE NUMBER:			
LOCATION:			

2019-2020

COUNTY VALUES, EXEMPTIONS, AND TAXES				
PHONE #	DESCRIPTION	PRIOR	CURRENT	BILLED
VALUATIONS (530) 666-8135	LAND	0	25769	25769
TAX RATES (530) 666-8190		0	0	0
EXEMPTIONS (530) 666-8135		0	0	0
PAYMENTS (530) 666-8625	STRUCTURAL IMPROVEMENTS	0	165757	165757
PERS PROP (530) 666-8135		0	0	0
ADDR CHGS (530) 666-8135		0	0	0
GENERAL (530) 666-8135	HOMEOWNERS EXEMPTION	0	-7000	-7000
		0	0	0
NET TAXABLE VALUE				184256
VALUES X TAX RATE PER \$100 1.000000				\$1,845.26

VOTER APPROVED TAXES / TAXING AGENCY DIRECT CHARGES & SPECIAL ASSESSMENTS / FEES					
PHONE #	CODE	DESCRIPTION	ASSESSED VALUE	TAX RATE / 100	TAX AMOUNT
(916) 874-7422	26060	LOS RIOS CCD 2002 BD	184526	0.023200	\$42.82

PHONE #	DESCRIPTION	DIR CHRG	PHONE #	DESCRIPTION	DIR CHRG	PHONE #	DESCRIPTION	DIR CHRG
(916) 446-0197	N DELTA WATER	\$9.96	(916) 712-6696	CLARKSBURG FIRE	\$94.82	(530) 666-8153	CLARKSBURG LIGHT	\$22.00

AGENCY TAXES		\$42.82
DIRECT CHARGES		\$126.78
FEES		\$0.00
PENALTY & COST		\$211.48
AGENCY TAXES + DIRECT CHARGES + FEES + PENALTY + COST + DELINQUENT PENALTIES		\$381.08
<b>1st INSTALLMENT \$1,108.17</b>	<b>2nd INSTALLMENT \$1,118.17</b>	<b>TOTAL TAXES \$2,226.34</b>
PAID ON 04/28/2020	PAID ON 04/28/2020	

- ◆ Sample Tax Bill at approximate median single-family residential net assessed value (\$184,256) with total property tax of \$2,226.34
- ◆ Direct Levy = \$126.78
- ◆ Ad Valorem Taxes = \$1.0232 per \$100 of Assessed Value
  - ▶ In this case, a total of \$1,888.08
    - Measure V = \$0.00\*
- ◆ *New Measure would add \$110.72*

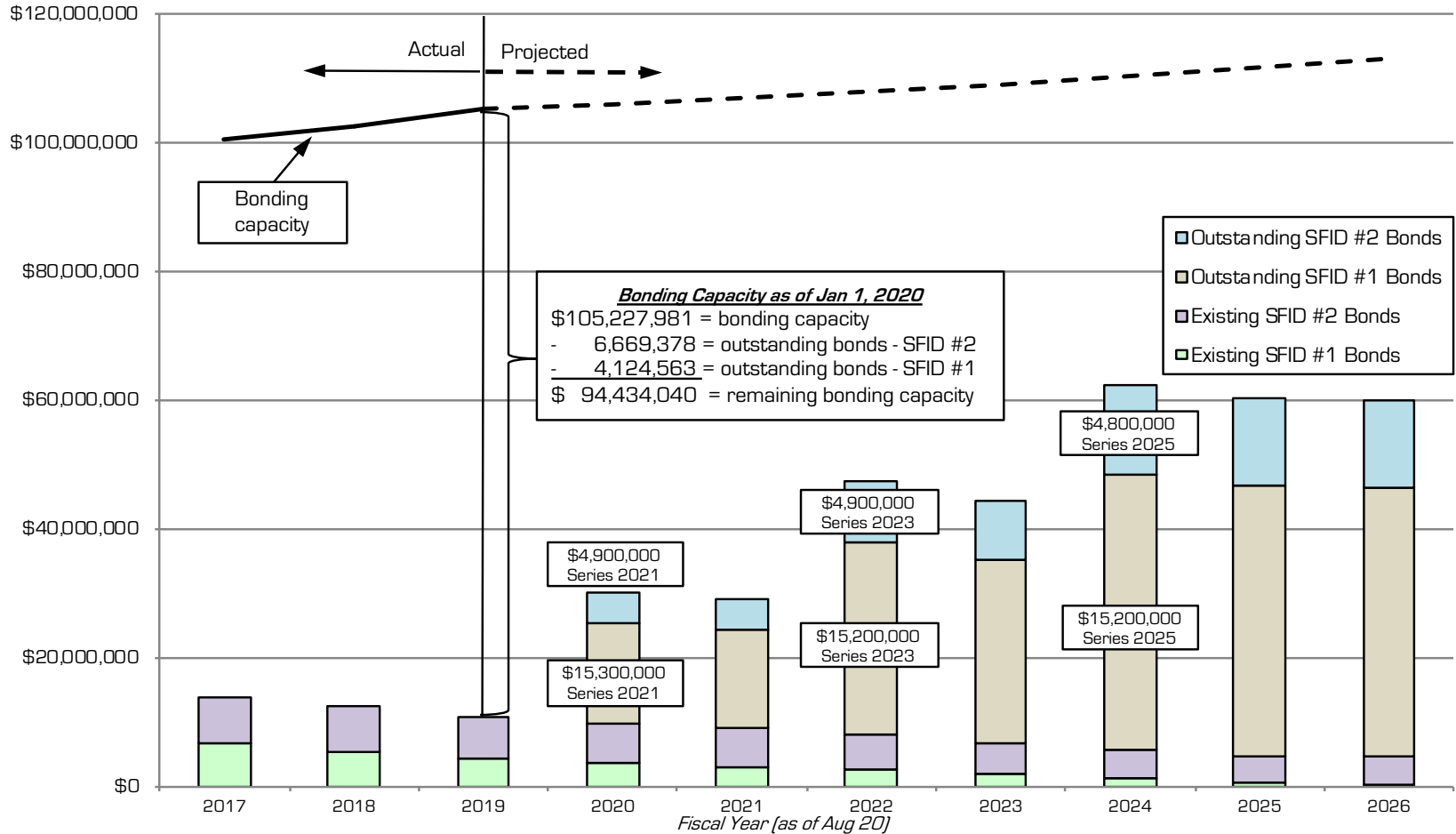
\* The tax rate for Measure V in 2019-20 was \$0 per \$100,000 AV; projected to be \$29.00 in 2020-21.



# SFIDs - Bonding Capacity Sufficient

Bonding Capacity/  
Outstanding Bonds

## Sufficient Bonding Capacity for \$60.3 Million in New Bond Measures



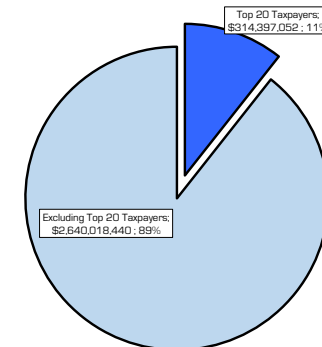
Bonding capacity is equal to 2.5% of total assessed value for a unified school district. Net local secured AV assumed to increase 3% annually with unsecured declining 5% annually in both CFD #1 & CFD #2, while all other types of AV are assumed to remain unchanged. Outstanding bonds from *Official Statements*. Bonding capacity as of August 20, when assessed value becomes "equalized."

# District Top 20 Taxpayers

Top 20 Taxpayers by Billing Address

Rank	Mailing Address	Net Value			% of District's AV	# of Parcels			Owner/Mailing Location		Owners
		SFID #1	SFID #2	District-Wide		SFID #1	SFID #2	District-Wide			
1	27200 Tourney Rd 3rd Fl Valencia CA	\$60,988,901	\$334,190	\$61,323,091	2.1%	163	4	167	California	California Resources Prod Corp	
2	1450 Lake Robbins Dr The Woodlands TX	\$26,954,990	\$0	\$26,954,990	0.9%	333	0	333	Out of State	LGI Homes	
3	717 Texas Ave #1000 Houston TX	\$26,410,466	\$0	\$26,410,466	0.9%	2	0	2	Out of State	Gilroy Energy Ctr & Solano Energy Ctr	
4	24163 Rd 188 Lindsay CA	\$18,965,699	\$0	\$18,965,699	0.6%	31	0	31	California	Hilarides Family Trust	
5	49762 Hamilton Rd Clarksburg CA	\$0	\$14,975,720	\$14,975,720	0.5%	0	14	14	Yolo Co	Bogle Vineyards	
6	PO Box 788 Rio Vista CA	\$8,591,396	\$6,314,536	\$14,905,932	0.5%	31	3	34	Solano Co	Emigh Land	
7	1291 U S Hwy 258 N Kinston NC	\$14,680,586	\$0	\$14,680,586	0.5%	28	0	28	Out of State	Ryer Island Farm	
8	PO Box 248 Walnut Grove CA	\$8,613,061	\$4,506,851	\$13,119,912	0.4%	8	18	26	Sacramento Co	River Maid, Wilson, & Walnut Grove Land Cos, Point Ranch, Deadhorse	
9	2004 Fox Dr #L Champaign IL	\$0	\$12,978,251	\$12,978,251	0.4%	0	18	18	Out of State	Demeter Agricultural Properties	
10	PO Box 488 Ceres CA	\$0	\$12,284,947	\$12,284,947	0.4%	0	8	8	California	Gasto Co	
11	1143 Crane St #200 Menlo Park CA	\$11,779,867	\$0	\$11,779,867	0.4%	12	0	12	California	Knob Hill Mines	
12	1000 Point San Pedro Rd San Rafael CA	\$11,130,399	\$0	\$11,130,399	0.4%	8	0	8	California	Dutra Group	
13	PO Box E Courtland CA	\$0	\$10,326,552	\$10,326,552	0.3%	0	7	7	Sacramento Co	Delta Orchards	
14	PO Box 248 St Helena CA	\$0	\$9,548,348	\$9,548,348	0.3%	0	4	4	California	Sutter Home Winery	
15	PO Box 15830 Sacramento CA	\$9,474,036	\$0	\$9,474,036	0.3%	15	3	18	Sacramento Co	SMUD	
16	1875 Saragossa St Pomona CA	\$0	\$9,454,716	\$9,454,716	0.3%	0	5	5	California	Koy Builders	
17	One Letterman Dr Bldg C #3800 San Francisco CA	\$9,414,061	\$0	\$9,414,061	0.3%	595	0	595	California	Encore Liberty	
18	PO Box 7424 Stockton CA	\$8,937,152	\$0	\$8,937,152	0.3%	2	0	2	California	Arches	
19	1377 E Lodi Ave Lodi CA	\$8,434,065	\$492,917	\$8,926,982	0.3%	6	1	7	California	John Hancock Life Ins, GLC Farms	
20	PO Box A Rio Vista CA	\$0	\$8,805,345	\$8,805,345	0.3%	0	3	3	California	Pierson Lambert Vineyards, McCormack Williamson	
		<b>\$224,374,679</b>	<b>\$90,022,373</b>	<b>\$314,397,052</b>	<b>10.6%</b>	<b>1,234</b>	<b>88</b>	<b>1,322</b>			

Top 20 Taxpayers (by Billing Address) Comprise 11% of Total District AV



Note: 2019-20 assessment roll as provided by Sacramento, Solano, and Yolo County Assessors' offices. Percentages rounded.

Further analysis of the tax base can be found in the "For Reference" section at the end of the presentation.

# Next Steps for November Election

- ◆ Now - June 11 (Board agenda deadline)
  - ▶ Preparation of bond resolution(s) and related documents
- ◆ Tuesday, June 23 - Board considers resolution(s) calling for election(s)
  - ▶ SFID No. 1 resolution filed with Sacramento and Solano Counties
  - ▶ SFID No. 2 resolution filed with with Sacramento, Solano, and Yolo Counties
  - ▶ County deadlines:
    - Yolo County preferred deadline - June 30
    - Sacramento County preferred deadline - July 13
    - Solano County does not have stated preferred deadline
    - Legal deadline - August 7
- ◆ November 3, 2020 would be election day!



# Thank You, Any Questions?

---



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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

Attachments:  X

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number:  9.2.2.3

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

**SUBJECT:**

California Department of Finance May Revision of the 2020-21 Governor's Budget precursor to School Services May Revision workshop.

**BACKGROUND:**

Every Year during the month of May the Governor presents his revised proposed budget for the coming fiscal year. School Services of California analyzes the proposed budget and provides information to school district personnel to use in finalizing their district's budget information.

**STATUS:**

School Services workshop is scheduled for May 19, 2020 and an update will be provided at the June 9, 2020 board meeting. Since the information from the Department of Finance was available for this meeting the Business Office thought it was a good idea to give a glimpse into the information that will be used by School Services of California for their analysis. Attached is a copy of the Department of Finance PowerPoint presentation.

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT: N/A**

**COST AND FUNDING SOURCES: N/A**

**RECOMMENDATION:**

That the Board received the information

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: May 12, 2020

Attachments:   X  

From: Ken Gaston, Director of MOT

Item Number:   9.2.3  

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 March 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**  
**May 12, 2020**

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:**

- **Delta High School**
  - Repaired refrigerator. - \$150
  
- **Rio Vista High School**
  - Repaired freezer. - \$125

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: Tuesday, May 12, 2020

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

From: Nicole Latimer, Director of Ed Services and Special Education Item Number: 9.3.1

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

**SUBJECT: EDUCATIONAL SERVICES UPDATE**

**Educational Services Update**

Beginning Tuesday, April 14, 2020, Teachers reviewed their pacing guides and long-term instruction plans as well as plan for the content and instruction they would both develop and provide through their virtual classroom. Teachers also utilized this time to finalize their virtual classrooms. Special education teachers worked collaboratively with the content area teachers to provide equitable and appropriate education for our students with special needs. The ongoing efforts to support students who are unable to obtain internet access includes teachers working with administrators to ensure that students are provided the option for written instructions and paper copies of the assignment.

In conjunction with the final week of preparation to move into distance learning, teachers were provided a training schedule for the week of April 14-17. These trainings were voluntary and were provided as a resource and support for educators as we embarked on this new journey of completing our school year via Distance Learning. Please note that all training was provided in-house by some amazing educators who were happy to share their passion and expertise with their colleagues. The trainings were well attended, and the overall response was incredibly positive for the supports provided to our teachers during this time.

Continued Development: Parents will be offered support classes on the online platforms to support them in their efforts to ensure their child's full participation in his/her virtual classroom. The parent training schedule is being created currently.

All trainings offered to support distance learning have been uploaded to the District webpage following the conclusion of each training to be utilized and referenced as ongoing resources.





DISTANCE LEARNING

- Distance Learning
- Distance Learning: Parent Support
- Student Resources
- Preschool, TK, and Kindergarten
- First Grade
- Second Grade
- Third Grade
- Fourth Grade
- Fifth Grade
- Sixth Grade
- ELA Grades 7-12
- Mathematics Grades 7-12
- Sciences Grades 7-12
- Social Science Grades 7-12
- Visual and Performing Arts Grades 7-12

## Teacher Support

### Are you getting a suspicious email?

1. [Use the Three Strike Rule](#)
2. [Properly Save and Send an Email as an Attachment to DataPath](#)

### Teacher Professional Development: Technology and Distance Learning Supports

#### District Class Recordings

- [Video Recording: Zoom 101 \(4/1/20\)](#)
  - [Additional Zoom Training](#)
- [Video Recording: Google 101 \(4/2/20\)](#)
  - [Additional Google Training](#)



The district provided Access Points for students at RVHS, D.H White and Delta/CMS. Community based access points at both the Walnut Grove and Courtland Libraries continue to be available to our students and families to support distance learning and we are very grateful to these community partners.

The District was also able to secure hotspots that we will be able to deploy as we move forward with continued next steps and phases of distance learning.

On May 5 and May 8, a panel of parents, teachers, classified and district level staff members began round one of principal interviews for Delta High School and Clarksburg Middle School.

Educational Services has begun the preliminary discussions for textbook and material orders and what considerations will need to be made in light of COVID-19 and potential changes or delays in the 2020-2021 school year.

The Migrant Education District Services Agreement (DSA) was submitted on Friday, May 1. This will need to be reviewed and approved by both the Regional and State levels to secure our agreement for the upcoming school year.

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

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 April 14, 2020.

**BACKGROUND:**

Attached are the Minutes from the Regular meeting of the Board of Trustees on April 14, 2020.

**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

April 14, 2020

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 April 14, 2020. As the result of the Coronavirus Pandemic (COVID-19), on March 12, 2020, Governor Gavin Newsom issued Executive Order N-25-20. This order includes directives canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. The Governor has also issued Executive Order N-33-20, prohibiting people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment. The health and well-being of our students, staff and community members are the top priority for the Board of Trustee of River Delta Unified School District. To facilitate this process the meeting was held remotely via Zoom Webinar. Access was available to the public to attend with audio and video.

We have modified the meeting procedures while the Shelter-in-Place for Coronavirus Pandemic (COVID-19) is active. President Fernandez gave instructions on how the public are to address the Board during public comment or on any agendized item.

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; Elizabeth Keema-Aston, Chief Business Officer and Jennifer Gaston, Recorder.

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 @ 5:34 pm**

*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)*

5. **Open Session was reconvened at 6:45 pm**

- 5.1 Roll was retaken. All members were present. However, Member Elliott excused himself from the meeting at 7:00pm.

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

- 5.2 Pledge of Allegiance was led by Board President Fernandez

6. **Report of Action taken, if any, during the Closed Session** (Government Code Section 54957.1)  
Board President Fernandez reported that during Closed Session, no actions were taken.

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

Board President Fernandez asked for a motion to approve the Open Session Agenda

*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)*

8. **Public Comment:** Member Fernandez reiterated the modified meeting procedures for public comment and comments on any agenda item or non agenda item. Nicole Latimer, Director of Educational Services announced, as of 6:49pm, no comments had been received.

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 Stone reported she and Member Mahoney made a site visit to Walnut Grove Elementary School to distribute food during Spring Break. She mentioned that the Principal Norris had worked very hard to extend meal service during this time and it was very nice to see some of the students and families as they picked up meals.

Member Riley reported that there was a nice article in the newspaper regarding an interview with Principal, Norris.

Member Fernandez gave her personal point of view of the troubled times we are now facing. She gave gratitude to Superintendent Wright and District staff for all that they are doing to prepare for learning experiences during the pandemic. She is also thankful to the sites who provided the packets for the students. She stated that she is appreciative for those who are understanding of the challenges and the hardships many of the families are facing. Many of these families are struggling just to put food on the table and many have lost their jobs. The news article referenced earlier, addressed the technology issues in the rural and remote areas of our District. Some of these areas' internet services is not available, and, if by chance you can afford the service the signal is weak at best. Member Fernandez stated that she is thankful that she can afford what is needed for her son to attend his college online classes. Many of our families cannot afford internet service. Even if they can afford the services, it is simply not available in the area where they live. With this being said, she would not support an A-D grading system. This will only widen the educational gap in our District and highlight the "haves and have nots". She stated that for those who can't seem to understand the difficulty that some of the students and families are facing or to know what it feels like to be poor, she asks for all to have empathy and to take a ride to see how many of the students live. It might open their eye to the challenges these students face on a daily basis. She expressed that these are of her own opinions and not of her fellow Board members. She stated that the students, their well-being, equity and access is her main priority and focus.

After President Fernandez finished her point of view, Member Riley stated that it was well said and thanked President Fernandez. Member Stone and Member Mahoney were in agreement.

9.1.2 Superintendent Wright's report(s) – Superintendent Wright greeted all those in attendance to the remote meeting. She reported that it has been an eventful month and that we are all in a time of learning. She is appreciative of the patience and understanding had by all to get through this time of uncertainty. She noted that we will move forward with "grit anchored in grace". She reported that the administrative and classified management staff of the River Delta Unified School District have been simply amazing, stepping up to every challenge, many working up to 12-14-hour days to accomplish an endless list of tasks, all to meet the needs of the students and their families.

She informed the Board that this week there is a series of online trainings. She thanked the teachers who have stepped up to plan and provide these trainings for their colleagues.

Superintendent Wright was happy to announce the start of the community-based internet access points available to students. They will be located at four school sites, Delta High School, Isleton Elementary School, D.H. White Elementary School and Rio Vista High School. There are also two community partnerships with the local libraries in Walnut Grove and Courtland. The District has opened a network, "Distance Learning", for

students who can transport themselves or be transported to the parking lots of these school sites with the internet access points to complete their homework assignments. This is one step closer to getting more student access, but not guaranteeing all students have access to new instruction. The District is researching more options to provide instruction to those students in remoted areas without a devise, internet service or transportation.

Superintendent Wright publicly stated her stance on assigning final grades. She made note that she has lived in the area for nearly 50 years and has work in education in this area for almost 30 of those years. After personally interacting daily with students, visiting their residential settings and seeing firsthand of their accessibility to instruction in these remote areas, as well as their living situations, she sees no other option than to hold all students harmless just as the teachers are afforded this opportunity to be held harmless in this situation. The Cal State and UC colleges as well as the College Board have extended these rights to the students. Without a full-proof way to ensure the same new instruction to all students, the District should do the same.

Superintendent Wright responded to questions from the Board, stating that there will not a limitation or set hours for the access points to ensure that, at any hour, a student can access the internet complete their assignments. She also mentioned that the network hosting the access points is very restrictive and has a high security setting.

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, Director of MOT

9.2.1 ADA/Enrollment Report – Reported as submitted, Elizabeth Keema-Aston, Chief Business Officer clarified that due to the pandemic, P-2 ended after month 7 and will be used as the annual ADA figures. The business office is currently working on the P-2 report and will be submitted to the county next week.

9.2.2 Monthly Financial Report – Reported as submitted, Elizabeth Keema-Aston, Chief Business Officer

9.2.2.1 D.H. White Modular Classroom Construction Project Update – Elizabeth Keema-Aston, Chief Business Officer reported the update as submitted

9.2.2.2 Results of the Public Opinion Survey to determine Bond Measure(s) feasibility – Presentation provided by FM3 – Superintendent Wright introduced Richard Bernard a partner for FM3 Research. Mr. Bernard provided the Board with the results of surveys taken in SFID#1 and SFID#2 areas for the feasibility of passing a Bond measurement in their area. Mr. Bernard stated that while the support for the measures are above the threshold for passage, FM3 Research highly recommends that the District educates the voters and communities on how the measure funds will be spent in each area, as well as, the needs of the local schools.

Superintendent Wright noted that a copy of the presentation and timeline would be provide to the Board.

9.2.3 Maintenance, Operations & Transportation Update, Ken Gaston, Director of MOT reported as submitted.

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

9.3.1 Educational Services Update, reported as submitted – Nicole Latimer, Director of Educational Services and Special Education thanked all the educators who have stepped up to support their fellow colleagues and the students of the District. Ms. Latimer gave special recognition to Steve Wright for his efforts and for going above and beyond in supporting district staff, students and their families in preparation for

distance learning. Support from the Board was added to the recognition of Mr. Wright and the other staff members.

9.3.2 Special Education Update, reported as submitted – Nicole Latimer, Director of Educational Services and Special Education. President Fernandez thank Ms. Latimer for the letter that was sent out to the families.

9.3.3 Williams Settlement Public Notification regarding sufficiency of teachers, facilities, and textbook and instructional materials, quarterly report (Third Quarter Jan.-Mar.); – Nicole Latimer, Director of Educational Services reported that the District has not received any complaints this quarter.

9.4 River Delta Unified Teacher’s Association (RDUTA) Update – Ms. Latimer informed the Board that notification was received from the RDUTA President, Bill Hodges, that there were no updates for this month.

9.5 California State Employee’s Association (CSEA) Chapter #319 Update – Ms. Latimer read a statement on behalf on CSEA President Mary Weathers. CSEA members would like to thank Superintendent Wright, her team and the Board for the support in keeping the employees safe during this pandemic.

## 10. Consent Calendar

10.1 Approve Board Minutes

Regular Meeting of the Board, March 10, 2020

Special Meeting of the Board, March 15, 2020

Special Meeting of the Board, April 6, 2020

10.2 Receive and Approve Monthly Personnel Reports

As of April 14, 2020

10.3 District’s Monthly Expenditure Report

March 2020

10.4 Request the Board to deem as surplus and of zero value, a miscellaneous non-functional computer equipment from D.H. White Elementary School – Nicolas Casey, Principal

10.5 Donations

**Delta High School – Girls Soccer Attire**

Edmond and Heather Masson - \$1,375.69

**D.H. White Elementary School – Snack items**

Carolyn Azbell

**D.H. White Elementary School – Student rewards**

Kathy Jakabcin

**Riverview Middle School**

Beth Brockhouse - \$179.48

**Rio Vista High School**

Don and Sharon Emigh - In memory of Lou Camacho – RVHS Rob Lucas  
Scholarship Memorial Fund

Jon and Janet Blegen – In memory of Jerry Rubier – Radio Rio Program

*Member Riley moved to approve, Member Olson seconded. Motion carried by roll call vote 6 (Ayes: Fernandez, Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 1 (Absent: Elliott)*

Member Fernandez recognized those who made donations and thanked the communities, parents, members, and businesses for their continued support of our students and programs even during this time of uncertainty.

Action Items -- Individual speakers shall be allowed two minutes to address the Board on any agenda item. The Board may limit the total time for public input on each agenda item to 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 the Board's authorization for Superintendent Wright to review and approve on behalf of the Board the District Service Agreement (DSA) with Butte County Office of Education Migrant Education Region 2 for Migrant Services in RDUSD for the 2020-2021 school year – Nicole Latimer, Director of Educational Services

*Member Olson moved to approve, Member Riley seconded. Motion carried by roll call vote 6 (Ayes: Fernandez, Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 1 (Absent: Elliott)*

12. Request the Board to approve contract agreement with Nicolay Consulting Group (NCG) to deliver a GASB 75 Accounting Valuation Report for Fiscal year 2019-20 and 2020-21, \$11,000 General Funds – Elizabeth Keema-Aston, Chief Business Officer

*Member Riley moved to approve, Member Olson seconded. Motion carried by roll call vote 6 (Ayes: Fernandez, Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 1 (Absent: Elliott)*

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

14. 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.

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

Superintendent Wright recognized Alyson Stiles, a Riverview Middle School teacher for putting together a Caravan through the communities of Rio Vista and Isleton to support the students social-emotional well-being. The caravan will be held Thursday, April 16<sup>th</sup> from 5:00-8:00pm.

Ms. Latimer reported she has been monitoring the comment card submissions and as of 8:13pm, there were still no comment cards submitted.

*Member Casillas moved to approve, Member Riley seconded. Motion carried by roll call vote 6 (Ayes: Fernandez, Olson, Riley, Stone, Casillas, Mahoney): 0 (Nays): 1 (Absent: Elliott)*

The meeting was adjourned at 8:14 pm

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

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

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 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

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: 2 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, May 05, 2020, 11:32 AM

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015023 49ER WATER SERVICES 245 NEW YORK RANCH ROAD #A JACKSON, CA 95642  ( 0) - 0 N	750.00	2050/2065 WATER TESTING	04/28/2020	20352019 PV-200583	750.00	Y
014992 A & A ELCTRIC PO BOX 706 ACAMPO, CA 95220  (209) 333-9306 N	683.25	670667 MAINT REPAIRS	04/07/2020	20349535 PO-200903	683.25	N
014880 AIR ONE MECHANICAL 23468 RANCHO RAMON CT TRACY, CA 95304  (209) 914-3354 N	479.00	201081 MAINT REPAIRS	04/14/2020	20350274 PO-200166	479.00	N
014529 APPLE EDUCATION 5300 RIATA PARK CRT. BLDG C AUSITN, TX 78727  (512) 674-6821 N	2,593.59	AB420864849 SP ED IPAD AB41338654 DHW IPADS AC00873509 ED SV IPADS AC00128321 ED SV IPADS	04/07/2020 04/21/2020 04/28/2020 04/28/2020	20349536 PO-201008 20351023 PO-200955 20352000 PO-201017 20352000 PO-201017	327.29 654.59 302.53 1,309.18	N N N N
012964 ASSOCIATED VALUATION SERVICES 1501 COFFEE ROAD SUITE N MODESTO, CA 95355  (209) 543-8245 N	1,197.49	6413 DW WITS INVENTORY	04/14/2020	20350270 PO-200114	1,197.49	N
014367 BANK OF AMERICA PO BOX 15796 WILMINGTON, DE 19886-5710  ( 0) - 0 N	10,439.16	CHICO ST EDU FAIR HOTEL RVHS PRINTER SP ED SUPPLIES SP ED SUPPLIES SP ED SUPPLIES ED SV SUPPLIES BATES SUPPLIES CDS SUPPLIES	04/23/2020 04/23/2020 04/23/2020 04/23/2020 04/23/2020 04/23/2020 04/23/2020 04/23/2020	20351538 PO-200816 20351538 PO-200965 20351538 PO-200966 20351538 PO-200967 20351538 PO-200968 20351538 PO-200969 20351538 PO-200976 20351538 PO-200977	426.32 461.21 37.82 200.38 68.30 129.37 95.28 644.33	N N N N N N N N

CDS SUPPLIES	04/23/2020	20351538	PO-200977	261.00	N
BATES SUPPLIES	04/23/2020	20351538	PO-200978	2,993.38	N
BATES SUPPLIES	04/23/2020	20351538	PO-200978	2,966.25	N
MOKE SUPPLIES	04/23/2020	20351538	PO-200985	159.20	N
BATES SUPPLIES	04/23/2020	20351538	PO-200986	652.61	N
BATES SUPPLIES	04/23/2020	20351538	PO-200987	692.61	N
BATES SUPPLIES	04/23/2020	20351538	PO-200988	122.10	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
-----						
014367 BANK OF AMERICA (Continued...)		HR WEBINAR	04/23/2020	20351538 PO-201032	99.00	N
		WG REMIND SOFTWARE	04/23/2020	20351538 PV-200582	680.00	N
		CAREER FAIR CANCELLED	04/23/2020	20351538 PV-200582	250.00-	N
-----						
012586 BAY ALARM	6,945.57	DHW CAMERA	04/21/2020	20351024 PO-200248	598.53	N
60 BERRY DRIVE		RMS FIRE MONITORING	04/21/2020	20351035 PV-200571	5,191.95	N
PACHECO, CA 94553		RVHS ALARM	04/21/2020	20351035 PV-200571	113.97	N
		RVHS ALARM	04/21/2020	20351035 PV-200571	451.47	N
(209) 465-1986	N	BALCO HOLDINGS	04/21/2020	20351035 PV-200571	260.37	N
		DO ALARM	04/21/2020	20351035 PV-200571	329.28	N
-----						
014584 BECERRA, EDITH	12.20	STALEDATE 19311538	04/21/2020	20351046 TC-200213	12.20	N
849 Olive Canyon Dr.						
GALT, CA 95632						
( 0) - 0	N					
-----						
001094 BUREAU OF EDUCATION & RESEARCH	279.00	4975643 ED SV PAULS CONF	04/07/2020	20349531 PO-200970	279.00	N
ACCOUNTS RECEIVABLE						
P.O. BOX 96068						
BELLEVUE, WA 98009-9668						
(800) 735-3503	N					
-----						
014972 BURGESS, NIKKI	140.94	cms supplies	04/28/2020	20352001 PO-200510	140.94	N
52810 NETHERLANDS						
CLARKSBURG, CA 95612						
( 0) - 0	N					
-----						
012497 BUSWEST	805.06	102011 TRANS PARTS	04/07/2020	20349537 PO-200983	805.06	N
21107 CHICO STREET						
CARSON, CA 90745						
(209) 531-3928	N					
-----						
003681 CALIFORNIA AMERICAN WATER	562.35	ISLE WATER	04/21/2020	20351036 PV-200575	211.64	N
P.O. BOX 7150		ISLE WATER	04/21/2020	20351036 PV-200575	220.63	N

PASADENA, CA 91109-7150

ISLE WATER

04/21/2020 20351036 PV-200575

130.08 N

(888) 237-1333

N

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
012079 CALIFORNIA CLEAR BOTTLED P.O. BOX 981 14410 W.G. THORNTON RD WALNUT GROVE, CA 95690  (916) 776-1544 Y	26.75	ZWA009 ASP WATER	04/07/2020	20349538 PO-200572	26.75	7
012268 CALIFORNIA WASTE RECOVERY SYSTEMS 175 ENTERPRISE CT STE #A GALT, CA 95632-9047  (209) 369-6887 N	1,175.41	ISLE WASTE	04/21/2020	20351037 PV-200576	1,175.41	N
010576 CAMACHO, REFUJIO 200 PRIMASING AVE P.O. BOX 553 COURTLAND, CA 95615  ( 0) - 0 N	101.20	WG MILEAGE	04/21/2020	20351047 TC-200214	101.20	N
011595 CAPITAL AUTISM SERVICES 6400 FREEPORT BLVD SACRAMENTO, CA 95822  (916) 923-1789 N ADVANCE EDUCAT	9,510.92	2586395/2586396/2586394 NPS	04/28/2020	20352006 PO-200530	9,510.92	N
003380 CENTRAL VALLEY WASTE SERVICE INC P.O. BOX 78251 PHOENIX, AZ 85062-8251  ( 0) - 0 N	2,300.93	TRANS WASTE MOKE WASTE WG WASTE BATES WASTE	04/21/2020 04/21/2020 04/21/2020 04/21/2020	20351038 PV-200572 20351038 PV-200572 20351038 PV-200572 20351038 PV-200572	132.58 79.52 885.86 1,202.97	N N N N
000201 CITY OF ISLETON P.O. BOX 716 101 SECOND STREET ISLETON, CA 95641	411.05	79008 ISLE SEWER	04/14/2020	20350275 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	9,207.99	DHW WATER	04/21/2020	20351039 PV-200574	1,418.92	N
		RMS WATER	04/21/2020	20351039 PV-200574	2,935.95	N
		DO WATER	04/21/2020	20351039 PV-200574	178.30	N
		RVHS SEWER	04/21/2020	20351039 PV-200574	1,922.51	N
( 0) - 0 N RIO VISTA FIRE		DHW SEWER	04/21/2020	20351039 PV-200574	499.92	N
		RMS SEWER	04/21/2020	20351039 PV-200574	1,119.59	N
		DO SEWER	04/21/2020	20351039 PV-200574	148.92	N
		RVHS WATER	04/21/2020	20351039 PV-200574	983.88	N
014215 CONTERRA ULTRA BROADBAND PO BOX 281357 ATLANTA, GA 30384-1357	1,800.22	42566 DW NETWORK	04/07/2020	20349544 PV-200558	15,104.85	N
		42566 DW NETWORK	04/07/2020	20349544 PV-200558	16,905.07	N
(704) 936-1722 N						
013876 DATAPATH PO BOX 396009 SAN FRANCISCO, CA 94139	3,952.89	145538 DHW INSTALL SWITCHES	04/14/2020	20350276 PO-200902	1,200.00	N
		145280 BUS OFF PRINTER	04/21/2020	20351025 PO-200872	352.89	N
		145915/145914 DW SWITCHES INST	04/21/2020	20351025 PO-200902	2,400.00	N
(888) 693-2827 N						
013722 DE LAGE LANDEN PUBLIC FINANCE 1111 OLD EAGLE SCHOOL ROAD WAYNE, PA 19087	1,681.62	67351673 WG LEASE	04/21/2020	20351030 PO-200002	350.74	N
		67351679 F5 LEASE	04/21/2020	20351030 PO-200236	169.72	N
		67616303 BUS OFF LEASE	04/28/2020	20352007 PO-200078	168.10	N
		67592876 DO LEASE	04/28/2020	20352007 PO-200079	637.48	N
(800) 736-0220 N		67599953 BATES LEASE	04/28/2020	20352007 PO-200274	355.58	N
012807 DELTA ELEMENTARY CHARTER SCHOOL 36230 N SCHOOL ST CLARKSBURG, CA 95612	134,031.00	18/19 ADJ	04/07/2020	20349545 PV-200559	5,495.00	N
		APRIL TAX IN LIEU	04/07/2020	20349545 PV-200559	139,526.00	N
(916) 995-1335 N						
014067 DISCOVERY OFFICE SYSTEMS 1269 CORPORATE CENTER PARKWAY SANTA ROSA, CA 95407	366.77	55E1564672 BATES AGRMNT	04/28/2020	20352008 PO-200265	116.74	N
		55E1565793 ISLE AGRMNT	04/28/2020	20352008 PO-200295	250.03	N
(707) 570-1000 N						



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010469 E.F. KLUFT & SONS INC P.O. BOX 166 LODI, CA 95241-0166	1,775.91	261948/261883 TRANS OIL 262221/262117 TRANS FUEL	04/07/2020 04/14/2020	20349539 PO-200164 20350277 PO-200151	365.26 1,410.65	N N
( 0) - 0						N
013912 FLORAL RESOURCES SACRAMENTO 1127 FEE DRIVE SACRAMENTO, CA 95815	222.28	130596 DHS AG SUPPLIES 130596 DHS AG SUPPLIES	04/07/2020 04/07/2020	20349532 PO-200888 20349532 PO-200888	111.14 111.14	7 7
(916) 504-3591						Y
015022 FM3 1999 HARRISON ST #2020 OAKLAND, CA 94612	28,750.00	RESEARCH SURVEY	04/21/2020	20351026 PO-201041	28,750.00	N
(510) 451-9521						N
011339 FRONTIER COMMUNICATIONS CORPORATION THREE HIGH RIDGE PARK STAMFORD, CT 06905	4,585.43	ISLE EMERG ISLE CMS ALARM DO DHW ALARM RVHS ALARM DO ISLE DHW DHW EMERG RMS RMS RMS RMS EMERG RMS WG WG EMERG BATES EMERG CMS CMS EMERG ISLE ALARM WG ALARM BATES ALARM	04/21/2020 04/21/2020	20351040 PV-200579 20351040 PV-200579	88.44 156.00 67.10 88.84 124.84 124.84 1,063.49 113.65 145.86 208.69 119.03 95.09 94.48 88.84 220.55 92.11 88.44 88.44 51.45 88.84 67.10 67.10 67.10	N N
( 0) - 0						N

TRANS ALARM	04/21/2020	20351040	PV-200579	56.25	N
MOKE ALARM	04/21/2020	20351040	PV-200579	124.84	N
TRANS	04/21/2020	20351040	PV-200579	66.50	N
TRANS	04/21/2020	20351040	PV-200579	95.09	N
MAINT	04/21/2020	20351040	PV-200579	45.33	N
MAINT	04/21/2020	20351040	PV-200579	107.12	N
MAINT	04/21/2020	20351040	PV-200579	38.33	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
011339 FRONTIER COMMUN (Continued...)		MOKE	04/21/2020	20351040 PV-200579	67.10	N
		RVHS	04/21/2020	20351040 PV-200579	222.89	N
		RVHS EMERG	04/21/2020	20351040 PV-200579	88.84	N
		RVHS	04/21/2020	20351040 PV-200579	174.38	N
		DHS EMERG	04/21/2020	20351040 PV-200579	88.44	N
014234 GIRARD EDWARDS STEVENS & TUCKER LLP., ATTORNEYS AT LAW 8801 FOLSOM BLVD STE 285 SACRAMENTO, CA 95826	6,812.50	2578 ATTY FEES	04/21/2020	20351041 PV-200580	3,430.00	Y
		2578 ATTY FEES	04/21/2020	20351041 PV-200580	3,382.50	Y
(916) 706-1255						Y
014830 GOMEZ-MORENO, FELIPE 4577 UNDERWOOD WAY SACRAMENTO, CA 95823	32.80	DHS SUPPLIES	04/07/2020	20349540 PO-200330	32.80	N
(916) 207-8084						N
003111 GOVERNMENT FINANCIAL STRATEGIES INC. 1228 N STREET, SUITE 13 SACRAMENTO, CA 95814-5609	8,452.55	1323528 FINANCIAL ADVIS SERV	04/28/2020	20352009 PO-200907	8,452.55	N
(916) 444-5100						N
014573 GREAT AMERICA FINANCIAL SVCS PO BOX 660831 DALLAS, TX 75266-0831	1,166.40	26653972 DHS LEASE	04/07/2020	20349541 PO-200339	375.38	N
		26843943 DHS LEASE	04/28/2020	20352010 PO-200339	791.02	N
(877) 311-4422						N
012617 GUGGEMOS, WILLIAM 78 BRUNING AVENUE RIO VISTA, CA 94571	36.54	STALEDATE 99309536	04/21/2020	20351048 TC-200215	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	575.00	SP ED BEHAVOIR ASSESSMENT	04/14/2020	20350278 PO-200064	575.00	Y
003538 HOME DEPOT CREDIT SERVICES DEPT 32-2500439736 P.O. BOX 78047 PHOENIX, AZ 85062-8047  ( 0) - 0	604.21	MAINT SUPPLIES	04/14/2020	20350279 PO-200171	604.21	N
000215 INDEPENDENT COPY SERVICE 155 DELTA WAY RIO VISTA, CA 94571  (916) 743-2699	1,008.15	19-488 RMS COPY MACHINES	04/28/2020	20352002 PO-201072	1,008.15	Y
		MIKE KENNEDY				
011917 INDOFF 11816 LACKLAND AVENUE ST. LOUIS, MO 63146-4206  (707) 374-4037	785.10	3336676 ISLE SUPPLIES 3335084 RVHS SUPPLIES	04/07/2020 04/14/2020	20349546 PV-200560 20350286 PV-200564	434.56 350.54	N N
000107 INLAND BUSINESS SYSTEMS 1500 NO. MARKET SACRAMENTO, CA 95834-1912  (916) 928-0770	593.84	IN515016 RVHS LEASE IN515016 RVHS MAIN AGRMNT	04/07/2020 04/07/2020	20349542 PO-200326 20349542 PO-200327	272.20 321.64	N N
011311 LA RUE COMMUNICATIONS 521 E. MINER AVE STOCKTON, CA 95202  (209) 463-1900	330.00	7269 TRANS UHF SERVICE	04/14/2020	20350281 PO-200154	330.00	7
		Y LA RUE, KNOX J				
014665 LOY MATTISON ENTERPRISES	1,312.50	30120033120 ERATE PROF SERV	04/21/2020	20351032 PO-200185	1,312.50	Y

7038 ALMOND HILL COURT  
ORANGEVALE, CA 95662

( 0) - 0 Y

---



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014976 MAKAR, JULIE 6560 AGAPE CT PLACERVILLE, CA 95667  (916) 744-1714	113.47	CMS SUPPLIES	04/28/2020	20352011 PO-200591	113.47	N
014107 MCCARTY, MELADEE 12970 SELF-ESTEEM LANE GALT, CA 95632  (209) 601-2940	400.00	SP ED PROF SERV	04/14/2020	20350282 PO-200065	400.00	Y
011865 MONTGOMERY, MARSHA 12 HILL COURT RIO VISTA, CA 94571  ( 0) - 0	261.06	RVHS SUPPLIES	04/07/2020	20349533 PO-200470	261.06	N
013877 NORRIS, CARRIE 4833 STEPPE COURT ELK GROVE, CA 95757  ( 0) - 0	183.10	WG SUPPLIES	04/14/2020	20350283 PO-200196	183.10	N
003218 ORIENTAL TRADING CO INC 4206 SOUTH 108TH STREET OMAHA, NE 68137  (800) 228-0475	208.30	702490353 ISLE SUPPLIES	04/28/2020	20352004 PO-201002	208.30	N
014465 PARKER & COVERT LAW OFFICE 17862 EAST SEVENTEENTH ST#204 EAST BUILDING TUSTIN, CA 92780  (714) 573-0900	7,242.50	72737 ATTY FEES 72737 ATTY FEES 72737 ATTY FEES	04/28/2020 04/28/2020 04/28/2020	20352022 PV-200586 20352023 PV-200586 20352023 PV-200586	7,152.50 45.00 45.00	Y Y Y
		Y PARKER & COVE				

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013895 PEARSON CLINICAL ASSESSMENT ORDERING PO BOX 599700 SAN ANTONIO, TX 78259  (800) 627-7271	1,294.26	9276005 ED SV SUPPLIES	04/28/2020	20352003 PO-201021	1,294.26	N
003270 PG&E 685 EMBARCADERO DRIVE SACRAMENTO, CA 95605  ( 0) - 0	31,350.82	RADIO RIO ELECT LT'S DHS DHS SHOP GARAGE LIFT PUMP DO RVHS RVHS LT'S LT'S N. NETH RMS CMS DO DHS ISLE ISLE DHW DHW	04/07/2020 04/14/2020	20349547 PV-200561 20350288 PV-200568	26.40 35.13 4,749.47 756.85 65.95 231.02 28.11 44.94 8,182.62 261.51 12.65 22.50 44.98 2,399.70 1,548.10 898.80 4,435.62 2,357.80 117.51 224.17 4,906.99	N N
013554 POINT QUEST 6600 44TH STREET SACRAMENTO, CA 95823  (916) 422-0571	17,704.50	202027 NPS DUES 202009 SP ED NPS DUES 202079 NPS SP ASST	04/14/2020 04/14/2020 04/14/2020	20350284 PO-200297 20350284 PO-200298 20350284 PO-200857	4,333.34 1,957.56 11,413.60	N N N
012857 PRISTINE REHAB CARE 706 N. DIAMOND BAR BLVD STE #B DIAMOND BAR, CA 91765  (317) 371-3866	29,448.00	6784/6813/6812 SPEECH THERAPY	04/21/2020	20351033 PO-200067	29,448.00	7

---

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
010134 READ NATURALLY INC 1284 CORPORATE CENTER DR. #600 SAINT PAUL, MN 55121  (800) 788-4085	210.80	237512 DHW LIVE SEATS	04/14/2020	20350271 PO-200741	210.80	N
000313 RIO VISTA CARE 125 SACRAMENTO STREET P.O. BOX 576 RIO VISTA, CA 94571  ( 0) - 0	5,000.00	DIST WIDE COUNSELING DIST WIDE COUNSELING	04/21/2020 04/21/2020	20351027 PO-200204 20351027 PO-200204	2,500.00 2,500.00	N N
012016 RIO VISTA PIZZA FACTORY 201 MAIN STREET RIO VISTA, CA 94571  ( ) -	180.57	ED SV SUPPLIES	04/28/2020	20352012 PO-200299	180.57	N
010239 RIO VISTA SANITATION P.O. BOX 607 RIO VISTA, CA 94571-0607  ( 0) - 0	123.64	DO WASTE SERVICE	04/14/2020	20350287 PV-200565	123.64	N
000589 RISO PRODUCTS OF SACRAMENTO 3304 MONIER CIRCLE SUITE 110 RANCHO CORDOVA, CA 95742  (916) 638-7476	300.00	195308 WG RISO CONTRACT 195307 WG RISO CONTRACT	04/21/2020 04/21/2020	20351028 PO-201027 20351028 PO-201028	150.00 150.00	N N
014982 RIVERA-GARCIA, MARIA PO BOX 753 WALNUT GROVE, CA 95690  (916) 270-5670	23.00	F5 MILEAGE00001390086051	04/21/2020	20351049 TC-200216	23.00	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
015014 ROGUE 545 E 5TH AVENUE COLUMBUS, OH 43201  (614) 358-6190	3,534.43	5953214 RVHS WEIGHT RM FLOORNG	04/14/2020	20350272 PO-200870	3,534.43	N
		N COULTER VENTUR				
012796 ROSSI, MARCY 128 N SECOND STREET RIO VISTA, CA 94571  ( 0) - 0	65.45	RMS SUPPLIES RMS SUPPLIES	04/28/2020 04/28/2020	20352013 PO-200261 20352013 PO-200261	26.17 39.28	N N
		( 0) - 0				N
000095 S M U D P.O. BOX 15555 SACRAMENTO, CA 95852  ( 0) - 0	5,998.96	WG ELECT WG ELECT WG ELECT BATES ELECT BATES ELECT BATES ELECT TRANS ELECT TRANS ELECT	04/21/2020 04/21/2020 04/21/2020 04/21/2020 04/21/2020 04/21/2020 04/21/2020 04/21/2020	20351042 PV-200577 20351042 PV-200577 20351042 PV-200577 20351042 PV-200577 20351042 PV-200577 20351042 PV-200577 20351042 PV-200577 20351042 PV-200577	2,170.89 391.06 27.34 28.59 2,866.15 392.15 109.11 13.67	N N N N N N N N
		( 0) - 0				N
011160 SCHOOL HEALTH CORPORATION 5600 APOLLO DRIVE ROLLING MEADOWS, IL 60008  (800) 323-1305	806.06	3748797 ED SV SUPPLIES 3748797 ED SV SUPPLIES 3748797 ED SV SUPPLIES	04/21/2020 04/21/2020 04/21/2020	20351029 PO-201001 20351029 PO-201001 20351029 PO-201001	2.81 2.81 806.06	N N N
		(800) 323-1305				N
003318 SCHOOL SPECIALTY INC W6316 DESIGN DRIVE GREENVILLE, WI 54942  ( 0) - 0	2,295.91	308103518555 BATES SUPPLIES 08103518882 MOKE SUPPLIES 208124726935 CDS SUPPLIES	04/28/2020 04/28/2020 04/28/2020	20352014 PO-200990 20352014 PO-200992 20352014 PO-200993	1,691.46 490.27 114.18	N N N
		( 0) - 0				N
013480 SHELDON GAS COMPANY 1 HARBOR CENTER # 310 SUISUN CITY, CA 94585  (707) 425-2951	1,173.83	91666 WG PROPANE 91666 WG PROPANE 91666 WG PROPANE	04/14/2020 04/14/2020 04/14/2020	20350289 PV-200566 20350289 PV-200566 20350289 PV-200566	4.09 4.09 1,173.83	N N N
		(707) 425-2951				N



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014524 SHRED IT PO BOX 101007 PASADENA, CA 91189-1007	135.18	15056343 DO SHREDDING	04/14/2020	20350290 PV-200567	135.18	N
( 0) - 0						N
000055 SIA DELTA DENTAL P.O. BOX 276710 SACRAMENTO, CA 95827-6710	2,694.69	APRIL 2020 PREMIUMS APRIL 2020 PREMIUMS APRIL 2020 PREMIUMS	04/07/2020 04/07/2020 04/07/2020	20349548 PV-200563 20349548 PV-200563 20349548 PV-200563	137.96 1,361.60 1,195.13	N N N
( 0) - 0						N
000056 SIA VISION SERVICE P.O. BOX 276710 SACRAMENTO, CA 95827-6710	634.48	APRIL 2020 PREMIUMS APRIL 2020 PREMIUMS	04/07/2020 04/07/2020	20349549 PV-200562 20349549 PV-200562	346.08 288.40	N N
( 0) - 0						N
003512 SILVA, SHARON 101 SOUTH FRONT ST. #28 RIO VISTA, CA 94571	7.50	BUS OFF REIMB	04/21/2020	20351051 TC-200217	7.50	N
( 0) - 0						N
012628 SOLANO COUNTY OFFICE OF EDUCATION 5100 BUSINESS CENTER DRIVE FAIRFIELD, CA 94534	1,195.47	20-1730 TUPE GRANT	04/21/2020	20351043 PV-200581	1,195.47	N
(707) 399-4415						N
012288 SOUZA, JENNIFER 717 TAMARACK DRIVE LODI, CA 95240	204.60	ISLE MILEAGE	04/21/2020	20351050 TC-200218	204.60	N
( 0) - 0						N
014069 STAPLES ADVANTAGE	2,221.15	3440308251 MAINT SUPPLIES	04/14/2020	20350273 PO-200058	47.00	N

500 STAPLES DRIVE  
FRAMINGHAM, MA 01702

( 0) - 0

N STAPLES CONTRA

3442742834	DHW SUPPLIES	04/14/2020	20350273	PO-200244	203.83	N
3442742833	DHW SUPPLIES	04/14/2020	20350273	PO-200244	64.65	N
344486417	DHW SUPPLIES	04/14/2020	20350273	PO-200244	206.59	N
3442460281	MAINT SUPPLIES	04/14/2020	20350285	PO-200982	142.51	N
3444846416	DHW COPY PAPER	04/14/2020	20350273	PO-201040	1,556.57	N

---



Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
013400 STATE BOARD OF EQUALIZATION PO BOX 942879 SACRAMENTO, CA 94279-8044  ( 0) - 0 N	259.00	JAN-MAR 2020 SALES USE TAX	04/28/2020	20352020 PV-200585	259.00	N
013401 STATE BOARD OF EQUALIZATION FUEL TAXES DIVISION PO BOX 942879 SACRAMENTO, CA 94279-6155  (916) 322-9669 N	76.40	JAN-MAR 2020 FUEL TAX	04/28/2020	20352021 PV-200584	76.40	N
000096 STEWART INDUSTRIAL SUPPLY INC 608 HWY 12 RIO VISTA, CA 94571  (707) 374-5567 N	160.76	23100 TRAANS SUPPLIES	04/07/2020	20349543 PO-200922	160.76	N
013947 SUPPLY WORKS PO BOX 742056 LOS ANGELES, CA 90074-2056  (877) 577-1114 N	931.88	541082806 CMS SUPPLIES 541368379 RVHS SUPPLIES 541588851 DHS SUPPLIES 541588844 DHW SUPPLIES 541588836 BATES SUPPLIES 541368387 RMS SUPPLIES 543649156 DHS SUPPLIES 543423990 DHS SUPPLIES 542475405 RVHS SUPPLIES 542475397 ISLE SUPPLIES 541635165 DHW SUPPLIES	04/14/2020 04/14/2020 04/14/2020 04/14/2020 04/14/2020 04/14/2020 04/21/2020 04/21/2020 04/21/2020 04/21/2020 04/21/2020	20350280 PO-200167 20350280 PO-200167 20350280 PO-200167 20350280 PO-200167 20350280 PO-200167 20350280 PO-200167 20351031 PO-200167 20351031 PO-200167 20351031 PO-200167 20351031 PO-200167 20351031 PO-200167	78.38 285.40 10.55 47.95 3.66 190.51 31.42 38.42 143.81 72.32 29.46	N N N N N N N N N N N
001896 UNITED PARCEL SERVICE INC 55 GLENLAKE PARKWAY NE ATLANTA, GA 30328  ( 0) - 0 N	62.00	DO SHIPPING DO SHIPPING	04/14/2020 04/14/2020	20350291 PV-200569 20350291 PV-200569	31.00 31.00	N N
013419 US BANK NATIONAL ASSOCIATION 1310 MADRID ST	570.83	411839632 DHW LEASE	04/28/2020	20352016 PO-200212	570.83	N

SUITE 101  
MARSHALL, MN 56258

(800) 328-5371

N

---

Vendor Name/Address		Total	Description	Date	Warrant Reference	Amount	1099
014978	WALLACE, STACY 1266 IVY WAY MANTECA, CA 95336	89.65	ISLE SUPPLIES	04/28/2020	20352015 PO-200602	89.65	N
	(714) 305-0061						N
010906	WASTE MANAGEMENT OF WOODLAND P.O. BOX 78251 PHOENIX, AZ 85062-8251	795.58	DHS WASTE	04/21/2020	20351044 PV-200573	795.58	N
	( 0) - 0						N
012528	WILLIAMS SCOTSMAN INC 4911 ALLISON PARKWAY VACAVILLE, CA 95688	3,747.84	RVHS LEASE	04/14/2020	20350292 PV-200570	936.96	N
			RMS LEASE	04/14/2020	20350292 PV-200570	936.96	N
			RMS LEASE	04/14/2020	20350292 PV-200570	936.96	N
			DHW LEASE	04/14/2020	20350292 PV-200570	936.96	N
	(707) 451-3000						N
014049	WILSON ARCHITECTURE INC 609 15TH STREET MODESTO, CA 95354	2,205.29	20200322 DHW MODULAR INSTALL	04/28/2020	20352018 PO-200899	1,102.65	N
			20200322 DHW MODULAR INSTALL	04/28/2020	20352018 PO-200899	1,102.64	N
	( 0) - 0						N
014450	WIZIX 4777 BENNETT DRIVE SUITE D LIVERMORE, CA 94551	1,099.65	149898/150056 WG PRINT CHARGES	04/07/2020	20349534 PO-200004	319.76	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	25.46	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	102.10	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	92.38	N
	(916) 913-6191		DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	43.29	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	19.29	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	277.20	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	1.57	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	15.09	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	84.04	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	36.62	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	37.11	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	45.00	N
			DO PRINTER CHARGES	04/21/2020	20351045 PV-200578	.74	N

Vendor Name/Address	Total	Description	Date	Warrant Reference	Amount	1099
014388 WPS PUBLISH 625 ALASKA AVENUE TORRANCE, CA 90503-5124  (800) 648-8857	1,650.85	320312 ED SV SUPPLIES	04/28/2020	20352005 PO-201020	1,650.85	N
014706 ZOOM IMAGING SOLUTION 1326 N. MARKET BLVD SACRAMENTO, CA 95834  (916) 369-6526	889.42	2205802 DHW PRINTER CONTRACT 2207033 WIND RIVER CONTRACT	04/21/2020 04/28/2020	20351034 PO-200211 20352017 PO-200211	444.71 444.71	N N
District total:	374,048.45					
Report total:	374,048.45					

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2019

Attachments: X

From: Victoria Turk and Laura Uslan, Principals

Item Number: 10.4

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

**SUBJECT:**

Request to approve Rio Vista High and Delta High School's Representatives to CIF Leagues for the 2020-2021 School year.

**BACKGROUND:**

The education code gives the authority for high school athletics to high school governing boards. The code also requires that the Board, after joining CIF, designate their representatives to CIF leagues. It is a legal requirement that league representatives be so designated.

**STATUS:**

Rio Vista High School would like Board to appoint Vicky Turk, Jane Cronin and Noelle Gomes as the RVHS representatives to the CIF league for the 2020-2021 school year. Delta High School would like Board to appoint Jennifer Walker and Katherine Ingalls as representatives to the CIF league for the 2020-2021 school year.

**PRESENTER:**

Victoria Turk, Principal of Rio Vista High School and Laura Uslan, Principal of Delta High School

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

**COST AND FUNDING SOURCES:**

No cost to the District to appoint CIF league representatives

**RECOMMENDATION:**

That the Board appoint Vicky Turk, Noelle Gomes, Jane Cronin, Katherine Ingalls and Jennifer Walker as RDUSD league representatives for the 2020-2021 school year.

Time allocated: 3 minutes

**2020-2021 Designation of CIF Representatives to League**

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE) no later than June 28, 2020.**

\_\_\_\_\_ School District/Governing Board at its \_\_\_\_\_ meeting,  
(Name of school district/governing board) (Date)  
appointed the following individual(s) to serve for the 2020-2021 school year as the school's league representative:

**PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES**

NAME OF SCHOOL \_\_\_\_\_  
NAME OF REPRESENTATIVE \_\_\_\_\_ POSITION \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

\*\*\*\*\*

NAME OF SCHOOL \_\_\_\_\_  
NAME OF REPRESENTATIVE \_\_\_\_\_ POSITION \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

\*\*\*\*\*

NAME OF SCHOOL \_\_\_\_\_  
NAME OF REPRESENTATIVE \_\_\_\_\_ POSITION \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

\*\*\*\*\*

NAME OF SCHOOL \_\_\_\_\_  
NAME OF REPRESENTATIVE \_\_\_\_\_ POSITION \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

\*\*\*\*\*

NAME OF SCHOOL \_\_\_\_\_  
NAME OF REPRESENTATIVE \_\_\_\_\_ POSITION \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

**PLEASE RETURN THIS FORM DIRECTLY TO THE CIF SECTION OFFICE.**  
**SEE FOLLOWING PAGE FOR CIF SECTION OFFICE CONTACT INFORMATION.**

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

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

From: Katherine Wright, Superintendent

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

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

**SUBJECT:**

Request to approve the first 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 March 2020.

**BACKGROUND:**

Changes in legislation and amendments to laws lead to necessary/mandated changes in District Board Policies, Administrative Regulations and Exhibits.

These Board Policies, Administrative Regulations and Exhibits will be submitted for a second and final reading and approval at the June 9, 2020 Board meeting.

**STATUS:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes in law effective prior to March 2020 which need to be approved for first reading.

**PRESENTER:**

Katherine Wright

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the first reading of these Board Policies, Administrative Regulations and Exhibits as submitted resulting from legislation effective prior to March 2020.

Time allocated: 3 minutes

**POLICY GUIDE SHEET**  
**March 2020**  
**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 reflect **NEW LAWS (AB 1505 and 1595)** which extend the timeline for holding a public hearing to determine the level of support for a charter petition, extend the timeline for making a final decision to grant or deny the petition, define receipt of the petition for the purpose of determining the beginning of this time period, and require publishing staff recommendations 15 days prior to the hearing at which the final decision will be made. As amended, criteria for reviewing the petition require consideration of the interests of the community in which the school is proposing to locate and prohibit the approval of a new charter school offering nonclassroom-based instruction until January 1, 2022. Regulation reflects **NEW LAWS (AB 1505 and AB 1595)** which revise the required components of a petition to delete a requirement to include annual goals that apply to the nature of the program operated, add a requirement that the petition describe the means by which the charter school will achieve a balance of special education students and English learners that is reflective of the general population within the district, and require that a petition for a charter school operated by or as a nonprofit public benefit corporation include the names and qualifications of the governing body. Regulation also reflects **NEW LAW (AB 982)** which requires the petition to include requirements for providing homework assignments, upon request, to students who have been suspended for two or more days. Regulation also reflects **NEW LAW (AB 1507)** which limits the ability of a charter school to establish a resource center, meeting space, or other satellite facility used for nonclassroom-based independent study outside district boundaries.

**BP/E 0420.41 - Charter School Oversight**

(BP/E revised)

Policy updated to reflect **NEW LAWS (AB 1505 and AB 1595)** which require a charter school to request a material revision to its charter whenever it proposes to expand operations at one or more grade levels, and AB 1505 which revises criteria for the provision of technical assistance to charter schools beginning with the 2020-21 school year. Exhibit updated to add new requirements for charter schools pursuant to **NEW LAWS**, including requirements to refrain from discouraging a student from enrolling for any reason (**SB 75**), hold a public hearing when adopting the local control and accountability plan (**SB 75**), provide assistive technology devices to a student at home or a student who transfers to another school (**AB 605**), pay a student's tuition and conduct on-site visits if the charter school has a master contract with a nonpublic, nonsectarian school (**AB 1172**), phase in a requirement for teachers to hold the certificate or permit required for their certificated assignment (**AB 1505**), provide parent/guardian notices in English and in the primary language when 15 percent or more of the students speak a language other than English (**SB 75**), provide students with a meal of their choice regardless of unpaid meal fees (**SB 265**), adopt policy on suicide prevention applicable to grades K-6 (**AB 1767**), print the national domestic abuse hotline number on student identification cards (**SB 316**), post specified information on bullying and harassment prevention (**AB 34**), include the charter school's sexual harassment policy in student orientations and notify students of the policy by posting a poster (**AB 543**), neither expel a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or willfully defying the authority of school personnel (**SB 419**), provide a student who is suspended for two or more days with the homework assigned during the period of suspension (**AB 982**), and update and reissue a former student's records to include the student's updated name or gender (**AB 711**). Exhibit also reflects current law requiring charter schools to accept and provide full or partial credit for coursework completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or immigrant student participating in a newcomer program at another school.



**POLICY GUIDE SHEET**  
**March 2020**  
**Page 2 of 3**

**BP 0420.42 - Charter School Renewal**

(BP revised)

Policy updated to reflect **NEW LAW (AB 1505)** which revises the criteria for granting or denying charter renewals, provides that renewal of a high-performing school may be granted for up to seven years, and provides that a low-performing charter school shall not be granted a renewal unless it adopts a written plan with meaningful steps to address the underlying cause(s) of low performance and there is clear and convincing evidence of either measurable increases in academic achievement or strong postsecondary outcomes, as defined. Policy also reflects **NEW LAWS (AB 1505 and AB 1595)** which extend the timeline for holding a public hearing on the renewal, extend the timeline for making a final decision to grant or deny the renewal, define receipt of the petition for the purpose of determining the beginning of this time period, and require publishing staff recommendations 15 days prior to the hearing at which the final decision will be made. Section on "School Closure" added to clarify that if the charter school is not renewed and ceases operation, the closure procedures specified in the charter will be implemented.

**BP 0420.43 - Charter School Revocation**

(BP revised)

Policy updated to move up the material regarding immediate revocation of a charter school in the event of a severe and imminent threat to the health or safety of students and to reflect **NEW LAW (AB 1505)** which provides that increases in student achievement for all numerically significant student subgroups should be a factor, but not necessarily the most important factor, in determining whether to revoke a charter. Section on "School Closure" added to clarify that if the charter school is revoked and ceases operation, the closure procedures specified in the charter will be implemented.

**BP 3471 - Parcel Taxes**

(BP added)

New policy addresses the major requirements of levying, with voter approval, a parcel tax on real property which may be used by the district for any purpose specified in the ballot statement. Policy includes, but is not limited to, the requirement for the board to hold a public hearing; board approval of a resolution for the adoption of a parcel tax; the prohibition against using district funds, services, supplies, or equipment to support the parcel tax; and persons who may be exempted by the board from paying the parcel tax.

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

(BP/AR revised)

Policy updated to reflect **NEW LAW (SB 265)** which provides that students with unpaid meal fees must not be denied a reimbursable meal of their choice, eliminating the possibility that any student is required to receive an alternate meal. Policy also reflects a waiver granted by the U.S. Department of Agriculture extending the three-year Administrative Review cycle to a five-year cycle for school years 2017-18 through 2021-22. Regulation updated to reorganize the section on "Unpaid and Delinquent Meal Charges" to emphasize the prohibition against directing any action toward a student to collect unpaid school meal fees and reflect requirements, as amended by SB 265, to treat students with unpaid meal fees the same as other students.

**BP 4112.2 - Certification**

(BP revised)

Policy updated to clarify the hiring hierarchy if the district is unable to hire a person who possesses a clear or preliminary credential, including one who is approved for a limited assignment option. Policy reflects Commission on Teacher Credentialing (CTC) Coded Correspondence stating that, if the district needs to hire a person who has been granted a credential waiver by CTC, that person must qualify for a "variable term waiver." Policy also expands section on "National Board for Professional Teaching Standards Certification" to add examples of incentives that may encourage teacher participation.

**POLICY GUIDE SHEET**  
**March 2020**  
**Page 3 of 3**

**E 4112.9/4212.9/4312.9 - Employee Notifications**

(E revised)

Exhibit updated to reflect **NEW LAWS** adding requirements to notify employees regarding the district's policy on lactation accommodation (**SB 142**) and the deadline to withdraw funds from a flexible spending account before the end of the plan year (**AB 1554**). Exhibit also revises the policy reference for the March 15 reelection notice for certificated employees, now addressed in BP 4116, and adds the requirement to notify the superintendent at least 45 days before the expiration of the employment contract of any decision not to reemploy the superintendent, as specified in BP 2121.

**BP/AR 5141.52 - Suicide Prevention**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (AB 1767)** which mandates age-appropriate policy on suicide prevention, intervention, and postvention for students in grades K-6 beginning in the 2020-21 school year. Policy reflects requirements to consult with specified stakeholders on policy development, coordinate with the county mental health plan whenever a referral is made for mental health or related services for a student in grades K-6 who is a Medi-Cal beneficiary, and ensure that employees act within the authorization and scope of their credential or license. Policy also reflects **NEW LAW (AB 34)** which requires the district, beginning in the 2020-21 school year, to post its suicide prevention policy in a prominent location on its web site. Regulation updated to move material regarding the printing of the national suicide hotline number on student identification cards to a new section. Regulation also adds an optional postvention strategy to identify and monitor students significantly affected by suicide and those at risk of imitative behavior.

**BP/AR 5144.1 - Suspension and Expulsion/Due Process**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (SB 419)** which prohibits districts from suspending students in grades 4-8 for disrupting school activities or willfully defying the authority of school personnel. Policy also references **NEW LAW (AB 982)** which requires a district to provide a student who is suspended for two or more days with the homework assigned during the period of suspension. Regulation adds new section on "Additional Grounds for Suspension and Expulsion: Grades 9-12" reflecting the option to suspend, but not expel, a student in grades 9-12 for disruption or willful defiance.

**BP/AR 6172.1 - Concurrent Enrollment in College Classes**

(BP/AR revised)

Policy updated to include exceptions in determining the five percent enrollment cap on the number of students at each grade level who may be recommended for community college summer session and to reflect **NEW LAW (AB 1729)** which extends such exceptions through January 1, 2027. Policy reflects **NEW LAW (SB 554)** which authorizes an adult education student pursuing a high school diploma or high school equivalency certificate to attend community college as a special part-time student. Policy and regulation add new sections for districts that wish to establish a College and Career Access Pathways (CCAP) partnership program, in which the board enters into an agreement with the governing board of a community college district to offer or expand dual enrollment opportunities for students who may not already be college bound or are unrepresented in higher education. Regulation clarifies the board's responsibility, whenever a community college class will be offered on a high school campus, to determine the time that the campus is considered open to the general public and available for members of the public to attend such a class at the high school.

# 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 ~~the~~ 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. **The following policy reflects the criteria and procedures required by Education Code 47605 as amended by AB 1505 (Ch. 486, Statutes of 2019) and AB 1595 (Ch. 543, Statutes of 2019).**

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. **Education Code 47605.8, which authorized petitioners to submit a petition directly to the State Board of Education (SBE) to approve a statewide benefit charter school, was repealed by AB 1505.**

~~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 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 ~~a~~ 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)~~

**CHARTER SCHOOL AUTHORIZATION** (continued)

Note: Education Code 47605 allows for **Board approval of a start-up charter school or** 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 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 **differs for each type of** charter school; see the accompanying administrative regulation.

One or more persons may submit a petition **to the Board** for a **start-up** charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605)

Any petition for a ~~start-up charter school or conversion~~ charter school shall include all components, ~~and~~ **signatures, and statements** required by law, **as specified in the accompanying administrative regulation,** and shall be submitted to the Board. **The proposed charter shall be attached to the petition. (Education Code 47605)**

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

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

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

**Timelines for Board Action**

Note: Pursuant to Education Code 47605, as amended by AB 1505 and AB 1595, upon receiving a charter petition, the Board is required to hold a public hearing within 60 days to determine the level of support for the petition and to hold a public hearing within 90 days to take final action on the petition. As amended, Education Code 47605 also requires the district to publish, at least 15 days prior to the public hearing at which the Board will grant or deny the petition, staff recommendations regarding the petition and, if applicable, the certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district.

**To provide adequate opportunity for public input and thoughtful consideration of the charter petition, it is recommended that the Board conduct two public hearings -- one hearing to determine the level of support for the petition and, following the publication of staff recommendations, a second hearing to grant or deny the petition. However, the law does not explicitly require two hearings, and it may be**

## CHARTER SCHOOL AUTHORIZATION (continued)

possible to hold one public hearing for both determining the level of support for the petition and granting or denying the petition, provided that staff recommendations are published 15 days prior to the hearing, the hearing is held within 60 days of receipt of the petition, and the petitioners have equal time and opportunity to present evidence and testimony. Legal counsel should be consulted as needed to ensure that all requirements are met.

Within ~~30~~ **60** days of receiving a charter petition, the Board shall hold a public hearing **on the charter provisions, at which time the Board shall consider to determine** the level of support for the petition by teachers, other **district** employees ~~of the district~~, and parents/guardians. **A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete.** (Education Code 47605)

~~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.~~ **The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board.** (Education Code 47605)

*(cf. 9320 - Meetings and Notices)*

**At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)**

Note: The following paragraph is **optional** and may be revised to reflect district practice. **As amended by AB 1505 and AB 1595, Education Code 47605 requires that, in the event that a petition is denied and the matter is appealed, the Board must provide a documentary record to the petitioner, including a transcript of the public hearing at which the Board denied the hearing. See section on "Appeals" below. Thus, it ~~is~~ may be useful to have a transcription of the hearing(s) in the event that the petitioners later appeal the decision of the Board.**

**The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.**

*(cf. 9320 - Meetings and Notices)*

**CHARTER SCHOOL AUTHORIZATION** (continued)

~~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)~~

**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 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.

**Pursuant to Education Code 47605, as amended by AB 1505 and AB 1595, the Board must also consider the interests of the community in which the school is proposing to locate.**

~~The Board shall approve the charter petition if~~ **A charter petition shall be granted only if the Board is satisfied that** doing so is consistent with sound educational practice **and the interests of the community in which the school is proposing to locate.** In granting charters, the Board shall **consider the academic needs of the students the charter school proposes to serve and shall** give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, **based on standards established by California Department of Education (CDE).** (Education Code 47605)

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.~~

~~Prior to authorizing any charter, the~~ **The** Board shall verify that ~~any approved~~ **the** charter ~~contains~~ **includes** adequate processes and measures for **monitoring and** holding the school accountable for fulfilling the terms of its charter and complying with **all** applicable laws, including Education Code 47604.1, ~~and for fulfilling the terms of its charter.~~ **These** **Such processes and measures** 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,~~ **inspection and observations of any part of the charter school,** and regular reports to the Board.

**CHARTER SCHOOL AUTHORIZATION** (continued)

*(cf. 0420.41 - Charter School Oversight)*

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)

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.

A sample MOU between SBE and a state-approved charter school, available on **the California Department of Education's 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)*

~~If~~ **When a petition is approved by the Board, it** shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the 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 **summarily** deny any charter petition that **proposes to**:

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.~~

**CHARTER SCHOOL AUTHORIZATION** (continued)

1. ~~Proposes to o~~Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. ~~Authorizes the conversion of~~ **Convert** a private school to a charter school (Education Code 47602)

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

3. Serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district (Education Code 47605)

**Note: Pursuant to Education Code 47612.7, as added by AB 1505, until January 1, 2022, the Board is prohibited from approving a petition for the establishment of a new charter school offering nonclassroom-based instruction. A charter school approved before October 1, 2019 which had started providing educational services as of that date may continue to offer nonclassroom-based instruction under the circumstances specified in Education Code 47612.7.**

**4. Offer nonclassroom-based instruction (Education Code 47612.7)**

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.~~ 5 CCR 11967.5.1 contains criteria 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.

**Regarding all other charter petitions, Any other charter petition shall be denied only if** the Board **shall deny a petition only if the Board** makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605; **5 CCR 11967.5.1**)

1. The charter school presents an unsound educational program **that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit** for, the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.



**CHARTER SCHOOL AUTHORIZATION** (continued)

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)~~ **a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.**
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(bc).
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.

<p><b>Note: As amended by AB 1505 and AB 1595, Education Code 47605 expands the grounds for denial of a charter petition to include those specified in items #7-8 below.</b></p>
--

7. **The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances regarding:**
  - a. **The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings**
  - b. **Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate**
8. **The district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

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)*

**Appeals**

**Note: Pursuant to Education Code 47605, if the Board denies a charter petition, the petitioner may, within 30 days of the denial, submit the petition to the County Board. If the County Board denies a petition on appeal, the petitioner may, within 30 days of the denial, appeal to SBE.**

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 SBE. (Education Code 47605)

**At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. (Education Code 47605)**

**Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education Code 47605)**

**If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and grant shall or deny the petition within 30 days. (Education Code 47605)**

*Legal Reference: (see next page)*

**CHARTER SCHOOL AUTHORIZATION (continued)**

*Legal Reference:*

EDUCATION CODE

200 *Equal rights and opportunities in state educational institutions*

220 *Nondiscrimination*

**1240 *Duties of County Superintendent***

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*

**42131 *Interim certification***

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*

*Legal Reference continued: (see next page)*

**CHARTER SCHOOL AUTHORIZATION (continued)**

*Legal Reference: (continued)*

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)

*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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

U.S. DEPARTMENT OF EDUCATION 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

WEB SITES

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

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

(12/17 5/19) 3/20

**Policy Reference UPDATE Service**

Copyright 2020 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

# 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~~ **A petition that proposes to convert** 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)*

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 a child attend the charter school, ~~or, in the case of~~ a teacher's signature, **means** that the teacher is meaningfully interested in teaching at the charter school. ~~The proposed charter shall be attached to the petition.~~ (Education Code 47605)

### **Staff 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.

**Education Code 47605, as amended by AB 1505 (Ch. 486, Statutes of 2019) and AB 1595 (Ch. 543, Statutes of 2019), requires the district to publish staff recommendations regarding the petition at least 15 days prior to the hearing at which the Governing Board will grant or deny the petition; see the section "Timelines for Board Action" in the accompanying Board policy.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

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.

*(cf. 2230 - Representative and Deliberative Groups)*

**Components of Charter Petition**

**All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.**

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 additional content that is 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. The petition shall also contain reasonably comprehensive descriptions of: (Education Code 47605)

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, and specific actions to achieve those goals as described in Education Code 52060. Pursuant to Education Code 52052, numerically significant subgroups include 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.

Education Code 47605 requires that these annual goals be aligned with **the** 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

**CHARTER SCHOOL AUTHORIZATION** (continued)

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.

**As amended by AB 1595, Education Code 47605 no longer requires that charter petitions include annual goals that apply to the nature of the program operated.**

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 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. Education Code 47607 defines "all groups of students served by the charter school" to mean all numerically significant subgroups of students, 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

**CHARTER SCHOOL AUTHORIZATION** (continued)

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.
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:
  - 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 (A)-(J)**.
  - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.

Note: As amended by AB 1505 and AB 1595, Education Code 47605 adds a requirement that the petition describe the means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learners, including redesignated fluent English proficient students.

7. The means by which the charter school will achieve a **balance of** racial and ethnic **balance among its** students, **special education students, and English learner students, including redesignated fluent English proficient students,** that is reflective of the general population residing within the district's territorial jurisdiction.



**CHARTER SCHOOL AUTHORIZATION** (continued)

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. 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 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~~(ee)~~, 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: As added by AB 982 (Ch. 779, Statutes of 2019), Education Code 47606.2 requires that the suspension procedures included in the charter petition provide that (1) upon request of a student who has been suspended for two or more school days or the student's parent/guardian, the homework assigned during the period of suspension be given and (2) any such completed homework shall not count towards the student's overall grade in the class unless the assignments are graded before the end of the academic term.**

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)~~ **and a statement that the suspension procedures will include requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.**

Such procedures shall also include processes by which the charter school will notify the superintendent of a district, and ~~request to~~ **by which the charter school may** be notified by **the superintendent of** a district, ~~about when~~ **a student or former student of the charter school is expelled or subject to any of** ~~when~~ the circumstances specified in Education Code 47605~~(de)~~**(3) exist.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

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 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 procedures to be used if the charter school closes, including, but not limited to:
  - a. Designation of a responsible entity to conduct closure-related activities
  - b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the 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

**CHARTER SCHOOL AUTHORIZATION** (continued)

- (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

Note: Education Code 47605 requires that petitioners provide to the ~~Governing~~ Board the information listed in items #1-4 below. **As amended by AB 1505 and AB 1595, Education Code 47605 adds item #5 below as a requirement for any petition to operate a charter school by or as a nonprofit public benefit corporation.**

**CHARTER SCHOOL AUTHORIZATION** (continued)

The Board may require additional information **beyond what is included in items #1-5**. 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, 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

5. **If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school**

**Location of Charter School**

Note: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school granted by either the County Board of Education or the State Board of Education following initial denial by the district 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.~~

**CHARTER SCHOOL AUTHORIZATION** (continued)

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

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

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

**Note: Pursuant to Education Code 47605.1, as amended by AB 1507 (Ch. 487, Statutes of 2019), a resource center, meeting space, or other satellite facility used by a charter school for nonclassroom-based independent study must, with specified exceptions, be located within district boundaries.**

A charter school may establish ~~and locate~~ a resource center, meeting space, or other satellite facility ~~in an adjacent county~~ **within the jurisdiction of the school district where the charter school is physically located** 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.

(12/17 5/19) 3/20

# CSBA Sample Board Policy

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.41(a)

### CHARTER SCHOOL OVERSIGHT

Note: The following **optional** policy may be revised to reflect district practice. The Governing Board is obligated to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter. Information about the school's performance is necessary when determining whether to grant a renewal of the charter or whether a revocation of the charter is warranted; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, pursuant to Education Code 47604, if the district complies with all oversight responsibilities required by law, it will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation pursuant to Corporations Code 5110-6910.

Pursuant to Education Code 47605, if the State Board of Education (SBE) approves a petition upon appeal after the Board and County Board of Education have denied the petition, the SBE may, by mutual agreement, designate its supervisorial and oversight responsibilities to the Board or to any local educational agency in the county in which the charter school is located.

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0500 - Accountability)*

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

Note: Education Code 47604.32 requires the district to visit each charter school at least once every year. CSBA's publication [Charter Schools: A Guide for Governance Teams](#) recommends more frequent visits, perhaps two or three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of ~~the a~~ charter school at any time. (Education Code 47604.32, 47607)

Note: The following **optional** paragraph may be revised to reflect district practice. Pursuant to Education Code 47604, if a charter school operates as or is operated by a nonprofit public benefit corporation, the Board is entitled to a single representative on the board of directors of the nonprofit public benefit corporation. CSBA's publication [Charter Schools: A Guide for Governance Teams](#) recommends that the district consult with legal counsel and consider any potential conflict of interest that may arise from having an individual Board member vote as a member of the charter board of directors on issues on which the Board will need to provide oversight. CSBA's guide suggests that an alternative approach may be for the district to designate its charter school contact, appointed pursuant to Education Code 47604.32, to attend meetings of the charter school board.

## CHARTER SCHOOL OVERSIGHT (continued)

The Superintendent or ~~designee~~ **designated charter school contact** shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

### Waivers

Note: A charter school is not authorized to submit general waiver requests to SBE on its own behalf, **unless an exception applies**. Rather, ~~the district must~~ **a charter school may** submit ~~the a~~ waiver request ~~for the charter school through the district~~. A general waiver request form is available on the California Department of Education's (CDE) web site. ~~Exceptions for which the charter school may directly apply for a waiver include a waiver of the federal Strengthening Career and Technical Education for the 21st Century Act and a specific waiver of instructional time penalties.~~

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to the SBE on behalf of the charter school.

*(cf. 1431 - Waivers)*

### Provision of District Services

Note: The following **optional** section may be revised to reflect district practice. ~~A charter school may elect to receive its funding directly from the County Superintendent of Schools pursuant to Education Code 47651 and be directly responsible for the provision of payroll, human resources, maintenance and operations, legal services, and other administrative operations. Alternatively, a charter school may receive its funding through the district that granted its charter.~~ CSBA's publication Charter Schools: A Guide for Governance Teams recommends one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school, including any services that will be provided by the district; see BP 0420.4 - Charter School Authorization.

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services **to a charter school**, the district and **the** charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between them ~~in district and charter school~~.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the

**CHARTER SCHOOL OVERSIGHT** (continued)

actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

**Material Revisions to Charter**

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to **new charter** petitions **for the authorization of charter schools** as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

**Note: As amended by AB 1505 (Ch. 486, Statutes of 2019) and AB 1595 (Ch. 543, Statutes of 2019), Education Code 47605 requires a charter school to request a material revision to its charter whenever it proposes to expand operations at one or more grade levels.**

If an approved charter school proposes to establish or move operations to one or more additional sites **or grade levels**, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations **or grade levels**. The Board shall consider approval of the additional locations **or grade levels** at an open meeting. (Education Code 47605)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

**Monitoring Charter School Performance**

**Note: The district has a responsibility to oversee that the charter school complies with all applicable legal requirements. Violation of any law may subject the school to revocation pursuant to Education Code 47607. See the accompanying Exhibit for a list of legal requirements pertaining to the operation of charter schools.**

The Superintendent or designee shall monitor **the each** charter school **that is authorized by the district** to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

**Note: Education Code 47605 requires that measurable student outcomes for "all groups of students served by the charter school" be included in the school's charter petition and that these outcomes be aligned with the state priorities for the local control and accountability plan (LCAP) as stated in Education Code 52060;**



**CHARTER SCHOOL OVERSIGHT (continued)**

see AR 0420.4 - Charter School Authorization. Pursuant to Education Code 47607, "all groups of students served by the charter school" means all numerically significant subgroups of students served by the charter school, as defined in Education Code 52052. Pursuant to Education Code 52052, numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when the subgroup consists of at least 30 students (or 15 foster youth or homeless students).

Education Code 47605 requires that the charter petition include methods for measuring the charter school's progress toward achieving student outcomes. Although the measures of the school's progress may vary,

Education Code 47605 requires that charter schools conduct any statewide assessments applicable to other public schools. In addition, charter schools are included in the California School Dashboard, which reports the status of school performance on multiple state and local indicators and is intended to assist schools and districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate.

The Board shall monitor ~~the~~ **each** charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter **petition** and any applicable memorandum of understanding, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial **report or** information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Note: Education Code 47613 authorizes the district to charge the charter school, within specified limits, for the costs of supervisory oversight of the school. Education Code 47613 provides that the costs of supervisory oversight include, but are not limited to, costs incurred for technical assistance or intervention pursuant to Education Code 47607.3; see the section "Technical Assistance/Intervention" below. CSBA's publication Charter Schools: A Guide for Governance Teams suggests that supervisory oversight activities also might include site visits, reviews of performance data and financial reports, and legal auditing. ~~The actual provision of administrative or support services would not be considered supervisory oversight for purposes of charging supervisory oversight costs to the charter school. Those services may be purchased separately by the charter school.~~

**CHARTER SCHOOL OVERSIGHT** (continued)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the **district-charter school** is able to **provide-obtain** substantially rent-free facilities **to the charter school from the district**, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. **If the district is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding.** (Education Code 47613)

*(cf. 7160 - Charter School Facilities)*

**Technical Assistance/Intervention**

**Note: Education Code 47607.3, as amended by AB 1505, establishes criteria for the provision of technical assistance to charter schools beginning with the 2020-2021 school year, including, but not limited to, the option to request assistance from the California Collaborative for Educational Excellence (CCEE). If, after providing technical assistance, the CCEE informs the Board that the charter school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter; see BP 0420.43 - Charter School Revocation.**

**Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 45607.3)**

- 1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.**

**CHARTER SCHOOL OVERSIGHT** (continued)

2. **Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.**
3. **Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.**

**In addition, if,** ~~if~~ in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. Shall provide technical assistance to the charter school based on the California School Dashboard
2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

Note: Education Code 47607 requires the Board to consider specified criteria of academic performance when determining whether to deny a petition for charter renewal or to revoke a charter, with achievement of all student subgroups served by the charter school being the most important factor; see BP 0420.42 - Charter School Renewal and BP 0420.43 - Charter School Revocation. In addition, Education Code 47607.3 requires the Board to consider revocation of a charter whenever it finds that the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence or continues to demonstrate persistent or acute inadequate performance.

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to **inadequate** ~~the~~ academic achievement of all numerically significant subgroups of students served by the charter school.

## CHARTER SCHOOL OVERSIGHT (continued)

*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0420.43 - Charter School Revocation)*

### Complaints

Note: Pursuant to Education Code 52075, charter schools are required to establish policies and procedures for addressing complaints of noncompliance with Education Code 47606.5 (annual update of school goals, actions, and related expenditures) or 47607.3 (technical assistance or intervention based on the school's failure to improve student outcomes). See AR 1312.3 - Uniform Complaint Procedures for applicable procedures.

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

### School Closure

Note: The following **optional** section may be revised to reflect district practice. Pursuant to Education Code 47605, procedures to be followed in the event a charter school ceases operation for any reason must be specified in the charter; see AR 0420.4 - Charter School Authorization. 5 CCR 11962 lists components that must be included in these procedures, including (1) designation of a responsible entity to conduct closure-related activities; (2) notifications to specified persons and entities; (3) provision of information about students' grade level, course completion, and district of residence; (4) transfer and maintenance of student and personnel records; (5) completion of an independent final audit; and (6) disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed.

Depending on the terms of the charter, these duties may be performed by the charter school, the district, or another specified entity. However, Education Code 47604.32 specifies that it is the responsibility of the district to notify CDE when a charter school ceases operation for any reason. CDE's web site also recommends that, in addition to the notifications required by 5 CCR 11962, either the district or the charter school should announce the closure to any school districts that may be responsible for providing education services to the former students of the charter school.

CDE's web site recommends that charter school closures occur at the end of a school year if it is feasible to maintain a legally compliant program until then.

**CHARTER SCHOOL OVERSIGHT** (continued)

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of the charter is denied, the charter is revoked, or the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

*Legal Reference: (see next page)*

**CHARTER SCHOOL OVERSIGHT (continued)**

*Legal Reference:*

EDUCATION CODE

215 Suicide prevention policy

215.5 ~~Suicide prevention hotline contact information on s~~ Student identification cards, **inclusion of safety hotlines**

220 Nondiscrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

222.5 Pregnant and parenting students, notification of rights

**231.5-231.6 Sexual harassment policy**

234.4 Mandated policy on bullying prevention

**234.6 Bullying and harassment prevention information**

234.7 Student protections relating to immigration and citizenship status

17070.10-17079.30 Leroy F. Greene School Facilities Act

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

32282 Comprehensive safety plan

32283.5 Online training on bullying prevention

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

35179.4-35179.6 Interscholastic athletic programs, safety

35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance

35330 Field trips and excursions; student fees

38080-38086 School meals

39831.3 Transportation safety plan

39843 Disciplinary action against bus driver; report to Department of Motor Vehicles

41024 Report of expenditure of state facility funds

42100 Annual statement of receipts and expenditures

44030.5 Reporting change in employment status due to alleged misconduct

44237 Criminal record summary

44691 Information on detection of child abuse

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

45125.1 Fingerprinting; employees of contracting entity

46015 Accommodations for pregnant and parenting students; parental leave

47600-47616.7 Charter Schools Act of 1992

47634.2 Nonclassroom-based instruction

47640-47647 Special education funding for charter schools

47651 Apportionment of funds, charter schools

*Legal Reference continued: (see next page)*

**CHARTER SCHOOL OVERSIGHT (continued)**

*Legal Reference: (continued)*

EDUCATION CODE (continued)

- 48000 Minimum age of admission for kindergarten; transitional kindergarten
- 48010-48011 Minimum age of admission (first grade)
- 48206.3-48208 Students with temporary disabilities; individual instruction
- 48850-48859 Educational placement of foster youth and homeless students
- 48901.1 Suspension and expulsion, willful defiance**
- 48907 Students' exercise of free expression; rules and regulations
- 48913.5 Suspended students, homework assignments**
- 48950 Student speech and other communication
- 48985 Parental notification,
- 49005-49006.4 Seclusion and restraint
- 49011 Student fees
- 49014 Public School Fair Debt Collection Act
- 49061 Student records
- 49062.5 Student records, name or gender changes**
- 49070 Challenging student records**
- 49073.2 Privacy of student and parent/guardian personal information
- 49076.7 Student records; data privacy; Social Security numbers
- 49110 Authority to issue work permits
- 49381 Human trafficking prevention
- 49414 Epinephrine auto-injectors
- 49414.3 Administration of opioid antagonist
- 49428 Notification of mental health services
- 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001, especially:
- 49431.9 Advertisement of non-nutritious foods
- 49475 Health and safety, concussions and head injuries
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
- 49564 Meals for needy students
- 51224.7 Mathematics placement policy
- 51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework
- 51225.6 Instruction in cardiopulmonary resuscitation
- 51513 Diploma of graduation, without passage of high school exit examination
- 51745-51749.6 Independent study
- 51930-51939 California Healthy Youth Act
- 52052 Accountability; numerically significant student subgroups
- 52060-52077 Local control and accountability plans
- 52075 Uniform complaint procedures

*Legal Reference continued: (see next page)*

**CHARTER SCHOOL OVERSIGHT (continued)**

*Legal Reference: (continued)*

EDUCATION CODE (continued)

56026 *Special education*

**56040.3 Availability of assistive technology devices**

56145-56146 *Special education services in charter schools*

**56365-56366.12 Nonpublic, nonsectarian schools**

60600-60649 *Assessment of academic achievement*

64000 *Categorical programs included in consolidated application*

64001 *School plan for student achievement, consolidated application programs*

65000-65001 *School site councils*

69432.9-69432.92 *Cal Grant program; notification of grade point average and high school graduation*

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*

HEALTH AND SAFETY CODE

104420 *Tobacco Use Prevention Education grant program*

104559 *Tobacco-free schools*

LABOR CODE

1198.5 *Personnel records related to performance and grievance*

PENAL CODE

667.5 *Definition of violent felony*

1192.7 *Definition of serious felony*

VEHICLE CODE

28160 *Child safety alert system*

CALIFORNIA CONSTITUTION

Article 9, Section 5 *Common school system*

Article 16, Section 8.5 *Public finance; school accountability report card*

CODE OF REGULATIONS, TITLE 5

4600-~~4687~~-4670 *Uniform complaint procedures*

11700.1-11705 *Independent study*

11960-11969 *Charter schools*

CODE OF REGULATIONS, TITLE 24

101 *et seq. California Building Standards Code*

*Legal Reference continued: (see next page)*



## CHARTER SCHOOL OVERSIGHT (continued)

### *Legal Reference: (continued)*

#### UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972; discrimination based on sex*

6311 *State plan*

7221-7221j *Charter schools*

#### UNITED STATES CODE, TITLE 42

11431-11435 *McKinney-Vento Homeless Assistance Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 *Accountability*

#### 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)*

#### CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

*Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763*

### *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 2: Ensuring Effective Oversight, Governance Brief, October 2017*

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California School Accounting Manual*

*Sample Copy of a Memorandum of Understanding*

*Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017*

*Special Education and Charter Schools: Questions and Answers, September 10, 2002*

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

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

#### WEB SITES

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

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

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

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

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

(10/16 3/19) 3/20

### **Policy Reference UPDATE Service**

Copyright 2020 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

# CSBA Sample

## Exhibit

### Philosophy, Goals, Objectives, and Comprehensive Plans

E 0420.41(a)

### CHARTER SCHOOL OVERSIGHT

#### REQUIREMENTS FOR CHARTER SCHOOLS

Note: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. However, charter schools, like other public schools, are subject to the state and federal constitutions, applicable federal laws, state laws that apply to governmental agencies in general, and state laws that are expressly applicable to charter schools. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, **the following** requirements. ~~that each charter school or the entity managing the charter school:~~

#### Governance

~~Note: Pursuant to Education Code 47604.1, as added by SB 126 (Ch. 3, Statutes of 2019), charter schools are subject to the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act of 1974, and conflict of interest laws, as provided in item #1 below. 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 agencies including charter schools.~~

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students

**CHARTER SCHOOL OVERSIGHT (continued)**

enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

**Operations**

3. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
4. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

**Admission/Enrollment**

5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of special education funding and services for students with disabilities who are enrolled in the charter school.

If a charter school is operating as a public school of the district for purposes of special education, the district retains responsibility and must determine how to ensure that students with disabilities receive a free appropriate public education (FAPE). However, as indicated in the California Office of Administrative Hearings ruling in Student v. Horizon Instructional Systems Charter School, a charter school operating as its own LEA for purposes of special education, including a charter school offering an independent study program, is the entity responsible for providing FAPE.

7. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
8. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

**CHARTER SCHOOL OVERSIGHT** (continued)

- a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)
- c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law. (Education Code 47605)

**9. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its web site the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)**

**9-10.** Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)

**CHARTER SCHOOL OVERSIGHT** (continued)

- 10.11.** Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
- 11.12.** Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

**Nondiscrimination**

- 12.13.** Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
- 13.14.** Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7
- 14.15.** Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)
- 15.16.** If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
- 16.17.** Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)

**CHARTER SCHOOL OVERSIGHT** (continued)

**17.18.** If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

**Tuition and Fees**

**18.19.** Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts.

**19.20.** Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools

**20.21.** Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

**School Plans**

**21.22.** Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, **after holding a public hearing, consulting in consultation** with specified stakeholders, and using the template adopted by the State Board of Education (SBE). ~~To the extent practicable, data shall be reported in a manner consistent with how information is reported on the California School Dashboard.~~ As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE, **which includes specified information relating to the school's budget.** (Education Code 47604.33, 47606.5, 52064, 52064.1)

**CHARTER SCHOOL OVERSIGHT** (continued)

- 22.23.** If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)
- 23.24.** Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)
- 24.25.** Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

**Curriculum and Instruction**

Note: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet this requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

- 25.26.** Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
- 26.27.** If the charter school offers a kindergarten program, also offer a transitional kindergarten program to students whose fifth birthday is from September 2 through December 2 (Education Code 48000)
- 27.28.** If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

**CHARTER SCHOOL OVERSIGHT** (continued)

**28.29.** If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school, **beginning in the 2019-2020 school year** (Education Code 51931, 51934)

**29.30.** If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources **by January 1, 2020** (Education Code 49381)

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.6. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

**30.31.** If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

**32.** **Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school (Education Code 51225.2)**

**31.33.** Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

**Special Education**

**34.** **Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)**



**CHARTER SCHOOL OVERSIGHT** (continued)

- 35. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:**
- a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)**
  - b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)**

**High School Graduation**

- 32.36.** Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any **of the charter school's** graduation requirements ~~established by the charter school~~ that exceed state requirements, unless the **charter** school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)
- 33.37.** Grant a high school diploma to 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 (Education Code 51413)

**Student Expression**

- 34.38.** Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

Note: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

**CHARTER SCHOOL OVERSIGHT** (continued)

**35.39.** Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

**Staffing**

**36.40.** Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) ~~equivalent to that which a teacher in other public schools would be required to hold~~ **as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required.** (Education Code 47605, **47605.4**)

**37.41.** Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)

**38.42.** Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)

**39.43.** **If the charter school chooses to make the state teachers' retirement plan available to its employees, meet** ~~Meet~~ the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

**40.44.** Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

**Parent/Guardian Involvement**

**41.45.** On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)

**CHARTER SCHOOL OVERSIGHT** (continued)

**42.46.** Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

**47.** **If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)**

**Nutrition**

**43.48.** ~~Beginning with the 2019-2020 school year, p~~Provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction (Education Code 47613.5)

**44.49.** If the charter school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

**45.50.** If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; **not take any action directed at a student to collect unpaid school meal fees;** ensure that a student with unpaid school meal fees is not **denied a meal of the student's choice, shamed, or treated differently;** ~~or served a meal that differs from other students;~~ and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)

**46.51.** If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

**Student Health**

**47.52.** ~~If the charter school serves students in grades 7-12, a~~Adopt a policy on suicide prevention, intervention, and postvention **for grades 7-12, and an age-appropriate**

**CHARTER SCHOOL OVERSIGHT** (continued)

- policy for grades K-6, and with specified components**, review the policy at least every five years, ~~and, if the school issues student identification cards, print the telephone number of the National Suicide Prevention Lifeline on those cards~~ (Education Code 215, ~~215.5~~)
- 53. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)**
- 48.54.** Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)
- 49.55.** Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
- 50.56.** If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)
- 51.57.** If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
- 52.58.** Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)

**CHARTER SCHOOL OVERSIGHT** (continued)

**53.59.** If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

**Student Conduct/Discipline**

**54.60.** Adopt a policy on bullying and cyberbullying prevention ~~by December 31, 2019,~~ **post specified information on bullying and harassment prevention,** and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, **234.6,** 32283.5)

**61.** **Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)**

**55.62.** Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

**63.** **Neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)**

**64.** **Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 48913.5)**

**Student and Parent/Guardian Records**

**56.65.** Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)

**57.66.** Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)

**CHARTER SCHOOL OVERSIGHT (continued)**

**58.67.** If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

**59.68.** If the charter school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

**69. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update and reissue a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)**

**Facilities**

**60.70.** Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
- b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

**Finance**

**61.71.** Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)

**CHARTER SCHOOL OVERSIGHT** (continued)

**62.72.** Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

**63.73.** Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

**64.74.** Annually prepare and submit financial reports to the district Board and the County Superintendent of Schools in accordance with the following reporting cycle:

- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
- b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

**65.75.** If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

**CHARTER SCHOOL OVERSIGHT** (continued)

**Accountability**

**66.76.** Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

(5/18 3/19) 3/20



# CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.42(a)

## CHARTER SCHOOL RENEWAL

Note: The following policy is **optional**. When the term of a charter granted by the Governing Board pursuant to Education Code 47605 (see BP/AR 0420.4 - Charter School Authorization) is due to expire, the charter school must submit a petition for renewal to the Board in accordance with Education Code 47607, **as amended by AB 1505 (Ch. 486, Statutes of 2019), and Education Code 47607.2, as added by AB 1505 and 5 CCR 11966.4.**

For a charter that was granted by the State Board of Education (SBE) on appeal after being denied by the district, the renewal petition must first be submitted to the district board that denied the charter, pursuant to Education Code 47605. A petition for the renewal of a charter that was originally granted by the County Board of Education on appeal after being denied by the district must be submitted directly to the County Board as the chartering authority pursuant to 5 CCR 11966.5.

The Governing Board believes that the ongoing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education on appeal after initial denial by the Board.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0420.41 - Charter School Oversight)*

*(cf. 0420.43 - Charter School Revocation)*

*(cf. 0500 - Accountability)*

Note: Education Code 47604, as amended by AB 406 (Ch. 291, Statutes of 2018), prohibits a charter school from being operated by a for-profit corporation or organization effective July 1, 2019. Any charter school that submits a renewal petition on or after that date must demonstrate that it has nonprofit management or it cannot be renewed.

~~No charter school that submits a~~ **The Board shall deny the** renewal petition ~~on or after July 1, 2019 shall be~~ **of any charter school** operated as, or ~~be operated by,~~ a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

**When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)**

## CHARTER SCHOOL RENEWAL (continued)

Note: The following **optional** paragraph may be revised to reflect district timelines for the submission of charter renewal petitions. ~~Although 5 CCR 11966.4~~ **Education Code 47605, as amended by AB 1505 and AB 1595 (Ch. 543, Statutes of 2019),** requires that the Board grant or deny the renewal petition within ~~60~~ **90** days of receiving **the petition; it** ~~(see section entitled "Timelines for Board Action" below).~~ **However,** it is recommended that charter schools submit their petition **sufficiently early (e.g., as much as six to nine months before the term of the charter is due to expire) so that, in** ~~the event that the Board denies the renewal, the charter school may need time to be able to appeal to the County Board and then to SBE and, if the school closes, to allow students of the charter school to transfer to another school.~~ **The timeline should take into consideration the date by which student achievement data needed for the petition will be available and the amount of time needed for the Board's deliberations and decision.** ~~In~~ **the event that the Board denies the renewal, the charter school may need time to be able to appeal to the County Board and then to SBE and, if the school closes, to allow students of the charter school to transfer to another school.**

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

~~Each renewal granted by the Board shall be for a period of five years. (Education Code 47607)~~

**The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)**

### Criteria for Granting or Denying Renewal

**Note: AB 1505 amended Education Code 47607 and added Education Code 47607.2 to revise the criteria for granting or denying charter renewals and to authorize different lengths of renewal for high-performing, middle-performing, and low-performing charter schools.**

**Pursuant to Education Code 47607, charter renewals are subject to the same standards and criteria as initial charter authorizations as specified in Education Code 47605, except that the Board may not deny the renewal of an existing charter school based on a finding that (1) the district has a negative or qualified interim certification and is not positioned to absorb the fiscal impact of the proposed charter school or (2) the charter school is unlikely to serve the interests of the entire community in which the school will be located (i.e., the school would substantially undermine or duplicate existing district services or programs). However, these two criteria may be used to deny a proposed expansion of an existing charter school.**

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605, ~~except that the signature requirement for new petitions is not applicable to petitions for renewal.~~ **However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding**

**CHARTER SCHOOL RENEWAL** (continued)

~~that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607; 5 CCR 11966.4)~~

~~The signature requirement for new charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)~~

~~The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)~~

~~In determining whether to grant a charter renewal, the Board shall consider the past academic, financial, and operational performance of the charter school in evaluating the likelihood of future success, along with any plans for improvement. Increases in academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052, shall be the most important factor. (Education Code 47607; 5 CCR 11966.4)~~

~~Note: Education Code 47607 and 5 CCR 11966.4 establish grounds for denial of charter renewals. See CSBA's publication [Charter Schools: A Guide for Governance Teams](#) for additional information about making the determinations specified in items #1-5 below.~~

~~The Board shall not deny a renewal petition unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)~~

- ~~1. The charter school presents an unsound educational program for the students enrolled in the school.~~
- ~~2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.~~
- ~~3. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).~~
- ~~4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).~~
- ~~5. The charter school has failed to demonstrate that it meets at least one of the following criteria of academic performance:~~

## CHARTER SCHOOL RENEWAL (continued)

~~Note: Although Education Code 47607 authorizes the use of the Academic Performance Index (API) to demonstrate academic performance for purposes of charter renewal, the API is no longer being calculated. Pursuant to Education Code 52052, as amended by AB 1808 (Ch. 32, Statutes of 2018), alternative measures that show increases in student achievement for all groups of students schoolwide and among numerically significant student subgroups may be used instead. For example, for purposes of meeting the academic criterion for charter renewal, charter schools may use indicators of student achievement and English learner progress available through the state's accountability system, the California School Dashboard.~~

- ~~a. — Increases in academic achievement for all groups of students schoolwide and among numerically significant student subgroups, as determined using measures identified pursuant to Education Code 52052~~

~~Note: When making a determination based on item #5b, Education Code 47607 requires the district to submit copies of supporting documentation and a written summary of the basis for its determination to the Superintendent of Public Instruction (SPI), as provided below. The SPI will review the materials and make recommendations to the district. Those recommendations may be the basis for a revocation of the charter by the SBE.~~

- ~~b. — Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school~~

~~Such performance shall be determined based on a review of documented clear and convincing data; student achievement data from assessments, including, but not limited to, state academic achievement tests, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall not grant a renewal until at least 30 days after the submission of any such documentation by the charter school. The Superintendent or designee shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for the Board's determination.~~

~~(cf. 6162.51—State Academic Achievement Tests)~~

~~Note: Charter schools that serve high risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate. Charter schools that participate in the DASS satisfy the academic criterion for charter renewal without being subject to the criteria listed above in item #5a or b.~~

- ~~e. — Qualification for the state's alternative accountability system for schools that serve high risk students~~

**CHARTER SCHOOL RENEWAL (continued)**

**Note:** Pursuant to Education Code 47607.2, the review of the charter school's performance must be based on "verified data," defined as data that are derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced and include measures of postsecondary outcomes. SBE is required to identify, by January 1, 2021, a list of valid and reliable assessments that must be used by the Board for this purpose. Until such a list is available, a charter school under consideration for renewal may present data consistent with the definition of "verified data."

**In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)**

**Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:**

**1. Renewal of Five to Seven Years**

**A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, achieved either of the following: (Education Code 47607)**

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels**
- b. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average**

**2. Renewal of Five Years**

**CHARTER SCHOOL RENEWAL (continued)**

- a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)**
  - (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school**
  - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers**
- b. For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)**

**3. Denial with Option for Two-Year Renewal**

- a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, either of the following applies: (Education Code 47607.2)**
  - (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels.**
  - (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.**
- b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that:**

**CHARTER SCHOOL RENEWAL (continued)**

- (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.**
- (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above**

**In addition to all the grounds stated above for denial of a charter, the Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the Board finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)**

**Note: Charter schools that serve high-risk students may qualify for the state's Dashboard Alternative School Status (DASS) program, which uses modified methods of measurement for accountability indicators when appropriate. Charter schools that participate in the DASS are subject to the following criteria specified in Education Code 46607, as amended by AB 1505.**

**A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)**

## CHARTER SCHOOL RENEWAL (continued)

### Timelines for Board Action

Note: The following **optional** paragraph may be revised to reflect district practice. Pursuant to Education Code 47607, the Board must grant or deny the request for renewal within 60 days of receiving the renewal petition. Thus, the Board should establish a timeline for holding a public hearing that will provide sufficient time for the Board to consider public input before taking action on the request.

The Education Code does not specifically define when a petition is "received." However, because the Board conducts its business as an entity during public meetings, many education attorneys interpret the 30 days to begin when the petition is presented to the Board at the first Board meeting following the submission of the petition. Others consider the petition to be "received" when it is delivered to the district. Districts with questions regarding when the 30 days begin should consult legal counsel. State law does not expressly provide a timeline for a public hearing on the renewal petition or for the Board's final decision on the renewal. However, pursuant to Education Code 47607, renewals are generally subject to the same standards and criteria applicable to initial charter authorizations, as specified in Education Code 47605. As amended by AB 1505 and AB 1595, Education Code 47605 extends the timeline for the hearing for a charter petition from 30 to 60 days of the receipt of the petition. In addition, Education Code 47605 defines receipt of the petition as the date that the petitioner submits the petition to the district, and requires the Board to publish staff recommendations regarding the petition at least 15 days prior to the hearing at which the Board will grant or deny the petition. The following section reflects the timelines established for initial charter authorizations.

Within ~~30~~ **60** days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. **A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)**

~~Within 60 days of receiving the renewal petition, or within 90 days if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request to renew the charter.~~ **charter renewal within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code ~~47607~~ 47605; 5 CCR 11966.4)**

**At least 15 days before the public hearing at which the Board will grant or deny the charter petition, the Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)**

If the Board fails to make a written factual finding **when required for denial of the petition** pursuant to ~~items #1-5 in~~ the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)



## CHARTER SCHOOL RENEWAL (continued)

The Superintendent or designee shall provide notification to ~~the California Department of Education~~ **CDE**, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board ~~of Education~~ within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

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

### **School Closure**

**If a charter is not renewed and the charter school ceases operation, the Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47603.32)**

*Legal Reference: (see next page)*

**CHARTER SCHOOL RENEWAL (continued)**

*Legal Reference:*

EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992*

52052 *Definition of numerically significant student subgroup*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement*

CODE OF REGULATIONS, TITLE 5

11960-11969 *Charter schools*

UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

*Management Resources:*

CSBA PUBLICATIONS

*The Role of the Charter School Authorizer, Online Course*

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

WEB SITES

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

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

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

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

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

# CSBA Sample Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.43(a)

## CHARTER SCHOOL REVOCATION

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

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

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

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0420.41 - Charter School Oversight)*

*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0500 - Accountability)*

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

**In all other circumstances, the Board may revoke a charter after providing due process and using the procedures described below.** The Board may revoke a charter ~~before the date it is due to expire whenever the Board~~ **if it** makes a written factual finding, **specific to that charter school and** supported by substantial evidence, that the charter school has done any of the following: (Education Code 47607)

**CHARTER SCHOOL REVOCATION** (continued)

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

Note: ~~Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), provides additional criteria for considering revocation of a charter, as described below. Pursuant to Education Code 47607.3, if, in three out of four consecutive years, a charter school fails to improve outcomes for three or more numerically significant student subgroups served by the school, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, then the district (1) must provide technical assistance to the school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5, or (2) may request that the SPI assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance to the school; see BP 0420.41 Charter School Oversight.~~ **Education Code 47607.3, as amended by AB 1505 (Ch. 486, Statutes of 2019), establishes criteria for the provision of technical assistance to charter schools, including, but not limited to, the option to request that the SPI assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance to the school.** If CCEE informs the Board that the **charter school** has failed or is unable to implement CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter.

The Board shall also consider ~~revocation of a charter whenever~~ **revoking the charter of any charter school for which** the California Collaborative for Educational Excellence (CCEE); ~~after providing~~ **has provided** advice and assistance ~~to the charter school~~ pursuant to Education Code 47607.3; ~~submits to the Board~~ **if CCEE has issued** either of the following findings: (Education Code 47607.3)

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

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

## CHARTER SCHOOL REVOCATION (continued)

### Revocation Procedures

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

~~(cf. 9320 - Meetings and Notices)~~

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

1. The charter school's alleged violation(s).
2. All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

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

~~(cf. 9320 - Meetings and Notices)~~

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

**CHARTER SCHOOL REVOCATION** (continued)

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

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

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

2. ~~If there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction,~~ **Continue** revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body **within 60 calendar days of the conclusion of the remedy period**, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction. **All evidence relied upon by the Board for the decision shall be included in the Notice of Intent to Revoke.**

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

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

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

## CHARTER SCHOOL REVOCATION (continued)

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

### Severe and Imminent Threat

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

### Appeals

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

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

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

If the Board revokes a charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. The County Board's decision may subsequently be appealed to the State Board of Education by either the charter school or the district may subsequently appeal the County Board's decision to the SBE.

## CHARTER SCHOOL REVOCATION (continued)

However, a revocation based upon the findings of ~~the~~ CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

### School Closure

**If a charter school ceases operation due to revocation, the Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47603.32)**

#### Legal Reference:

##### EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992, especially:

47607 Charter renewals and revocations

52052 Accountability: numerically significant student subgroups; definition

##### CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools, especially:

11968.5.1-11968.5.5 Charter revocations

##### COURT DECISIONS

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

#### Management Resources:

##### CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

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

##### WEB SITES

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

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

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

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

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



# 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 **meal charges, including** 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 **purchase land or buildings unless otherwise approved by USDA's Food and Nutrition Services, or 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**, USDA has established minimum professional standards for food service directors and granted CDE the authority to adopt more flexible standards for districts with average daily attendance of less than 2,500. See CDE's Nutrition Services Division Management Bulletin 10-2019 for information about state hiring standards.

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. 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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

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 to ensure program compliance and integrity. Food service personnel must obtain certification on an annual basis to demonstrate competence in the training. In addition, training is required to** ~~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 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~~ 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 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 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 SNP ~~12-2018~~ **11-2019**.

**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.

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 whose parents/guardians have unpaid meal fees** are not shamed or treated differently than other students. **As amended by SB 265 (Ch. 785, Statutes of 2019), Education Code 49557.5 provides that students with unpaid meal fees must not be denied a reimbursable meal of their choice, eliminating the possibility that a school could provide an alternative meal to a student with unpaid meal fees.** For further information **about unpaid meal charges**, see CDE's Nutrition Services Division Management Bulletin SNP-03-2017.

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 denied a meal of the student's choice.** (Education Code 49557, 49557.5)

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

*(cf. 0415 - Equity)*

## FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

### 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.

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)*

### 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.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

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. 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 the Memorandum, 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, 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 **by available** quantities of a satisfactory quality, or when competitive bids reveal 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.

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)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

Note: Pursuant to Public Contract Code 20111, 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 **except that, for school years from 2017-2019 through 2021-22, the three-year review cycle was extended to a five-year cycle pursuant to a waiver submitted by CDE's Nutrition Services Division to USDA.** See 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 unpaid meal debt, the prohibition against shaming of students whose families cannot pay for a meal or who have unpaid meal debt, and processes for notifying parents/guardians of these policies at the beginning of the school year and when a student enrolls during the school year.**

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

*(cf. 3555 - Nutrition Program Compliance)*

*Legal Reference: (see next page)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*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  
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~~ **1793** Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

200.56 Indirect costs, definition

200.317-200.326 Procurement standards

200.400-200.475 Cost principles

200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-~~210.31~~ **210.33** National School Lunch Program

220.1-~~220.21~~ **220.22** National School Breakfast Program

**245.8 Nondiscrimination practices for students eligible for free and reduced price meals and free milk**

250.1-250.70 USDA foods

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

**Paid Lunch Equity Requirement and Calculation Tool-Updated Guidance for School Year 2019-20, NSD Management Bulletin, SNP-11-2019, May 2019**

*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**

*Management Resources continued: (see next page)*

## FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Management Resources: (continued)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

*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*

**Senate Bill 250: Child Hunger Prevention and Fair Treatment Act of 2017 and USDA Meal Charge Policy Requirements, NSD Management Bulletin, SNP-05-2018, January 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, January 2015*

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

*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 PUBLICATIONS

**FAQs About School Meals - FAQs**

*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, SP 29-2017, May 2017*

*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*

*Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 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>*

(3/18 7/19) 3/20

Policy Reference UPDATE Service

Copyright 2020 by California School Boards Association, West Sacramento, California 95691

All rights reserved.



# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3551(a)

## FOOD SERVICE OPERATIONS/CAFETERIA FUND

Note: Districts that provide breakfast and/or lunch free of charge to all students (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, 49557; 42 USC 1758, 1773; 7 CFR 245.8) 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 03-2018 clarifies that all~~ 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. For more information, see the U.S. Department of Agriculture's (USDA) Memorandum SP 17-2014.

The following section includes recommendations of the ~~California Department of Education's (CDE)s~~ Nutrition Services Division Management Bulletin and the USDA's "FAQs About School Meals - FAQs" 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.

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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

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 - FAQs**," 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; (3) issues at least one advance warning to the student or the student's parent/guardian prior to refusing to issue a replacement ticket; and (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.

In any school that uses a system of meal tickets or other similar medium of exchange rather

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports a ticket as lost or stolen.

However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

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

*(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.

~~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.~~

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

**Students who have unpaid meal charges shall be served a meal of their choice throughout the school year regardless of the level of debt incurred by the household.**

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

**Such students shall not be overtly identified by the use of special tokens, tickets, or other means and shall not be shamed, treated differently, or denied a meal of their choice. (Education Code 49557, 49557.5)**

Note: Education Code 49557.5 requires that parents/guardians be notified no later than 10 days after a student's school meal account has reached a negative balance. 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)

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 Bulletin 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**

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 **that complies with Health and Safety Code 113992**, 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 38093 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. **The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund.** (Education Code 38090, 38093)

*(cf. 3100 - Budget)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

*(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.

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

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)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

Note: Pursuant to 7 CFR 210.14 and 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 spending plan developed by the district under such circumstances must be approved by the CDE.~~ **CDE may approve a district's net cash resources in an amount greater than three months' average expenditures if the district has a spending plan for the excess funds in place with the Nutrition Services Division.**

Net cash resources in the nonprofit school food service shall not exceed three months' average expenditures. (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 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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

to Education Code 45103.5, and should be modified to reflect the type(s) of contracts 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)*

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

*(cf. 4212 - Appointments and Conditions of Employment)*

(3/18 7/19) 3/20

**Policy Reference UPDATE Service**

Copyright 2020 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.



# CSBA Sample Board Policy

**Certificated Personnel**

BP 4112.2(a)

## **CERTIFICATION**

Note: Under the authority granted by Education Code 44252, the Commission on Teacher Credentialing (CTC) establishes standards and procedures for the issuance and renewal of multiple subject, single subject, education specialist, and other credentials, certificates, and permits and approves applications. Pursuant to Education Code 44251, a preliminary credential is generally valid for five years, during which time the employee must complete the requirements for the clear credential in order to continue to serve in a certificated position. The clear credential must be renewed every five years, but renewal does not require completion of additional coursework or service requirements.

Assignment to certain positions within the district may require additional qualifications. For example, see AR 4112.22 - Staff Teaching English Language Learners, AR 4112.23 - Special Education Staff, and BP/AR 4113 - Assignment.

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

*(cf. 4111/4211/4311 - Recruitment and Selection)*  
*(cf. 4112.21 - Interns)*  
*(cf. 4112.22 - Staff Teaching English Learners)*  
*(cf. 4112.23 - Special Education Staff)*  
*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*  
*(cf. 4113 - Assignment)*  
*(cf. 4121 - Temporary/Substitute Personnel)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6200 - Adult Education)*

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

*(cf. 4131 - Staff Development)*  
*(cf. 4131.1 - Teacher Support and Guidance)*

## CERTIFICATION (continued)

### Priorities for Hiring Based on Unavailability of Credentialed Teacher

Note: **To the extent possible, the district must** ~~When the district is unable to~~ hire a "fully prepared" teacher who ~~has completed a teacher preparation program (i.e., a teacher who~~ holds a clear or preliminary teaching credential), **in the subject or setting of the assignment. The Board may authorize a fully credentialed teacher to serve in an assignment outside the area authorized by the credential if specified criteria are met; see BP/AR 4113 - Assignment and CTC's Credential Information Guide. When the district is unable to hire a fully credentialed teacher,** Education Code 44225.7 permits the district to hire a ~~teacher candidate~~ without those credentials **in accordance with the hiring**, ~~Education Code 44225.7 establishes a hierarchy for such hires, as~~ provided in items #1-3 below.

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher ~~for who is authorized in the subject or setting for~~ each assignment **or, when necessary, a fully prepared teacher serving on a local assignment option**. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

Note: Pursuant to Education Code 44225.7, if a credentialed teacher is not available, priority **for employment** must be given to ~~employing~~ an individual who is enrolled in an approved intern program, as provided in item #1 below. CTC Coded Correspondence 13-01 clarifies that such an individual must possess a CTC-issued intern credential.

1. A candidate who enrolls in an approved intern program in the region of the district and possesses an intern credential

Note: Pursuant to Education Code 44225.7, next priority for filling a position should be for a candidate who is scheduled to complete preliminary credential requirements within six months, as provided in item #2 below. CTC Coded Correspondence 13-01 clarifies that such an individual must qualify for and obtain a provisional internship permit (PIP) or short-term staff permit (STSP).

Pursuant to 5 CCR 80021-80021.1, the district may employ persons with ~~an STSP when needed to immediately staff classrooms based on unforeseen circumstances, or~~ a PIP when the district has conducted a diligent search but has been unable to recruit a credentialed teacher, **or an STSP when needed to immediately staff classrooms based on unforeseen circumstances**. Each of these options requires the district to provide orientation, training, and/or guidance; see the accompanying administrative regulation.

2. A candidate who is scheduled to complete preliminary credential requirements within six months and who ~~holds~~ **is granted** a provisional internship permit (PIP) or short-term staff permit issued by the CTC

**CERTIFICATION (continued)**

Note: 5 CCR 80021.1 requires that a notice of intent to employ a person with a PIP be made public as described in the following paragraph. A copy of the agenda item and the Superintendent or designee's verification of the Governing Board's favorable action must be included as part of the application to the CTC along with other required verifications; see the accompanying administrative regulation.

The Board shall approve, as an action item at a **public an open** Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

Note: Pursuant to Education Code 44225.7, when the district is unable to recruit a credentialed teacher or a teacher who meets the qualifications specified in items #1-2 above, it may request **CTC to approve the assignment of a person who does not meet those criteria. According to CTC Coded Correspondence 13-01, such an individual would need to qualify for a "variable term waiver." For further information about variable term waivers, see CTC's Waiver Requests Guidebook and 5 CCR 80125.** ~~that the CTC issue a "variable term" credential waiver (Education Code 44225; 5 CCR 80120-80125) or a long term emergency permit (Education Code 44300; 5 CCR 80023-80026.6), as provided in item #3 below.~~

~~The STSP and PIP have replaced multiple subject, single subject, and education specialist emergency permits, but the CTC continues to issue the emergency resource specialist permit (5 CCR 80024.3.1), emergency teacher librarian services permit (5 CCR 80024.6), emergency crosscultural, language and academic development permit (5 CCR 80024.8), and emergency bilingual authorization permit (5 CCR 80024.7).~~

3. An individual who ~~holds an emergency permit or for whom~~ **has been granted** a credential waiver ~~has been granted~~ by the CTC

Note: Pursuant to 5 CCR 80023.2, 80026, and 80027-80027.1, the Board must annually approve a Declaration of Need for Fully Qualified Educators prior to hiring a person with an emergency permit or a limited assignment permit to teach outside ~~his/her the~~ area of certification. The form for the Declaration of Need is available ~~in the CTC's online Credential Information Guide, which may be accessed only by employers on CTC's web site.~~ Pursuant to 5 CCR 80026, the Declaration of Need must be approved at a regularly scheduled public Board meeting and is valid for up to 12 months, expiring on June 30 following its submission to CTC.

Prior to requesting that the CTC issue an emergency permit ~~pursuant to item #3 above~~ or a limited assignment permit ~~which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization,~~ the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled **public open** Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

**CERTIFICATION** (continued)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

**National Board for Professional Teaching Standards Certification**

Note: The following **optional** section may be revised to reflect district practice. The National Board for Professional Teaching Standards (NBPTS) offers teachers a voluntary, rigorous advanced certification process to demonstrate professional accomplishment. Some districts provide fee support to teachers seeking this certification. **to improve their practice as educators. Districts can encourage teacher participation by coordinating a cohort of teachers through school or district-based programs, their county office of education, or the NBPTS Resource Center at Stanford University or other NBPTS support networks. A list of current NBPTS support networks can be found on the NBPTS web site.**

**Districts and schools may use U.S. Department of Education grant funds (e.g., Title I, Part A; Title II, Part A; Individuals with Disabilities Education Act, Part B), as well as district resources for beginning teachers, for costs associated with teachers pursuing, achieving, and maintaining National Board certification.**

~~The Board encourages district teachers to voluntarily complete the requirements for the advanced certification awarded by the National Board for Professional Teaching Standards.~~

~~The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. In accordance with the collective bargaining agreement and the district budget, the Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program.~~

**The Superintendent or designee shall promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.**

**CERTIFICATION** (continued)

**With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in NBPTS certification, which may include:**

- 1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification**
- 2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority of low-income students**
- 3. Providing substitute teachers to provide release time for participating teachers**
- 4. Providing stipends for teacher participation that match other professional development stipends**
- 5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards**

*(cf. 4161.3 - Professional Leaves)*

**Parental Notifications**

Note: The following section is for use by districts that receive federal Title I funds, and may be used or adapted by other districts at their discretion.

20 USC 6312 requires districts receiving federal Title I funds to provide the following annual notification to parents/guardians of students in any school receiving Title I funds. Such districts may choose to provide the same notification to all schools, regardless of whether or not they receive Title I funds. ~~As amended by the Every Student Succeeds Act (P.L. 114-95), 20 USC 6312 no longer requires the notification to include the right of parents/guardians to request information about a teacher's baccalaureate major or graduate certification or degree held by the teacher.~~

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction

**CERTIFICATION** (continued)

2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. Is teaching in the field of discipline of ~~his/her~~ **the teacher's** certification

*(cf. 5145.6 - Parental Notifications)*

~~Note: As amended by P.L. 114-95, 20 USC 6312 requires the following notice to parents/guardians whenever a student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements.~~

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

*Legal Reference continued: (see next page)*

## CERTIFICATION (continued)

### Legal Reference:

#### EDUCATION CODE

8360-8370 *Qualifications of child care personnel*

32340-32341 *Unlawful issuance of a credential*

35186 *Complaints regarding teacher vacancy or misassignment*

44066 *Limitations on certification requirements*

44200-44399.1 *Teacher credentialing, especially:*

44250-44277 *Credential types; minimum requirements*

44300-44302 *Emergency permit*

44325-44328 *District interns*

44330-44355 *Certificates and credentials*

44420-44440 *Revocation and suspension of credentials*

44450-44468 *University intern program*

44830-44929 *Employment of certificated persons; requirement of proficiency in basic skills*

56060-56063 *Substitute teachers in special education*

#### CODE OF REGULATIONS, TITLE 5

80001-80674.6 *Commission on Teacher Credentialing*

#### UNITED STATES CODE, TITLE 20

6312 *Title I local educational agency plans; notifications regarding teacher qualifications*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.48 *Parent notification regarding teacher qualifications*

#### COURT DECISIONS

*Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534*

### Management Resources:

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-667 *Basic Skills Requirement*

CL-856 *Provisional Internship Permit*

CL 858 *Short-Term Staff Permit*

#### **Credential Information Guide**

*Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, August 23, 2016*

#### **Waiver Requests Guidebook, 2015**

*Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013*

*Subject Matter Authorization Guideline Book, 2012*

*Supplementary Authorization Guideline Book, 2012*

*California Standards for the Teaching Profession, 2009*

*The Administrator's Assignment Manual, rev. September 2007*

#### **NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS PUBLICATIONS**

**Considerations for Using Federal Funds to Support National Board Certification, 2018**

#### WEB SITES

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

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

Management Resources continued: (see next page)

**CERTIFICATION** (continued)

*Management Resources: (continued)*

WEB SITES (continued)

*Commission on Teacher Credentialing, Credential Information Guide (for employers' use only):*

*<http://www.ctc.ca.gov/credentials/cig>*

*National Board for Professional Teaching Standards: <http://www.nbpts.org>*

***National Board Resource Center: [nbc.strong.net](http://nbc.strong.net)***

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

(8/14 7/16) 3/20

**Policy Reference UPDATE Service**

Copyright 2020 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.



# CSBA Sample Exhibit

<b>All Personnel</b>	E 4112.9(a) 4212.9
<b>EMPLOYEE NOTIFICATIONS</b>	4312.9

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees</b>			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950; 2 CCR 11024	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually to all employees, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information
To all employees, prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
To all employees, prior to implementing alternative schedule	Education Code 46162	AR 6112	Public hearing on alternative schedule
Annually to all employees	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually to all employees	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

E 4112.9(b)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees (continued)</b>			
Prior to beginning employment	Government Code 3102	AR 4112.3 4212.3 4312.3	Oath or affirmation of allegiance required of disaster service workers
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 4259 4359	District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	AR 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
<b>Upon hire, in employee handbook, and upon request for parental leave</b>	<b>Labor Code 1034</b>	<b>BP 4033</b>	<b>The district's policy on lactation accommodation</b>

E 4112.9(c)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees (continued)</b>			
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
<b>To employees participating in a flexible spending account</b>	<b>Labor Code 2810.7</b>	<b>None</b>	<b>Deadline to withdraw funds from account before the end of the plan year</b>
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	BP 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 BP 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act( <i>cfRA</i> ); <i>obligation</i> to provide 30 days' notice of need for leave when possible

E 4112.9(d)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>I. To All Employees (continued)</b>			
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
<b>II. To Certificated Employees</b>			
To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation
To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	Education Code 44663	AR 4115	Copy of employee's evaluation
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance

E 4112.9(d)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
<b>II. To Certificated Employees (continued)</b>			
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary
<p><del>To probationary employees in district with ADA of 250 or more by March 15 of employee's second consecutive year of employment</del>  <b>By March 15 of employee's second year of employment, in districts that grant permanent status after two years</b></p>	Education Code 44929.21	<del>AR 4117.6</del> <b>BP 4116</b>	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/ dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct

E 4112.9(e)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>II. To Certificated Employees (continued)</b>			
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employees 30 days prior to dismissal during school year, but not later than March 15 for second-year probationary employees	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal
By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
<b>III. To Classified Employees</b>			
To classified employee charged with mandatory leave of absence offense, in merit system district	Education Code 44940.5	AR 4218	Notice of intent to dismiss in 30 days

E 4112.9(f)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>III. To Classified Employees (continued)</b>			
When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, procedures, and employee rights <b>right to hearing, timeline for requesting hearing</b>
To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.601	BP 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy

E 4112.9(g)  
4212.9  
4312.9

## EMPLOYEE NOTIFICATIONS (continued)

### IV. To Administrative/Supervisory Personnel

To <b>superintendent</b> , deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	<b>BP 2121</b> BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year

### V. To Individual Employees Under Special Circumstances

In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session



E 4112.9(h)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS (continued)**

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>V. To Individual Employees Under Special Circumstances (continued)</b>			
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	BP 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204; <del>5193</del>	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

E 4112.9(i)  
4212.9  
4312.9

**EMPLOYEE NOTIFICATIONS** (continued)

<b>When/Whom to Notify</b>	<b>Education or Other Legal Code</b>	<b>Board Policy/ Administrative Regulation #</b>	<b>Subject</b>
<b>V. To Individual Employees Under Special Circumstances</b> (continued)			
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

(7/16 3/17) 3/20

# CSBA Sample Board Policy

Students

BP 5141.52(a)

## SUICIDE PREVENTION

Note: Education Code 215 **mandates** that the Governing Board of any district serving students in grades 7-12 adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. **AB 1767 (Ch. 694, Statutes of 2019) amended Education Code 215 to mandate policy on suicide prevention, intervention, and postvention for students in grades K-6 beginning in the 2020-21 school year.** ~~These~~ **The required** components are addressed in the following policy and the accompanying administrative regulation. Also see the California Department of Education's (CDE) ~~model policy~~ **Model Youth Suicide Prevention Policy** developed pursuant to Education Code 215. ~~Although not required by law, districts serving students in grades K-6 may adapt this policy for use in elementary schools.~~

~~The following policy and accompanying administrative regulation should be revised to reflect district practice. Pursuant to Education Code 215, the policy must be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. It is recommended that districts also consult with legal counsel and the district's risk manager or insurance carrier, as appropriate.~~ **The following policy and accompanying administrative regulation should be revised to reflect district practice and the grade levels offered by the district.**

~~Also see the California Department of Education's model policy required by Education Code 215.~~

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

Note: Pursuant to Education Code 215, **as amended by AB 1767, the district's suicide prevention policy must be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and, for policy for grades K-6, the county mental health plan. According to CDE's Model Youth Suicide Prevention Policy, school-employed mental health professionals may include school counselors, psychologists, social workers, and nurses. CDE's model policy also includes consultation with administrators, other school staff, parents/guardians, students, local health agencies and professionals, law enforcement, and community organizations.**

~~It is recommended that districts also consult with legal counsel and the district's risk manager or insurance carrier, as appropriate.~~

In developing **policy measures** and strategies for **suicide prevention and intervention, the Superintendent or designee shall consult with school and community stakeholders such as administrators, other staff, parents/guardians, and students; school-employed mental health professionals such as** ~~use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, and school nurses; administrators, other staff, parents/guardians, students,~~ **and school nurses; administrators, other staff, parents/guardians, students,** suicide

## SUICIDE PREVENTION (continued)

prevention experts, **such as** local health agencies, mental health professionals, and community organizations; **law enforcement; and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)**

*(cf. 1220 - Citizen Advisory Committees)*

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

**Note: Education Code 215, as amended by AB 1767, requires that the district's policy for students in grades K-6 be age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. The following paragraph is for use by districts that serve K-6 students, and may be revised as appropriate for the student population served by the district.**

**The Board shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)**

~~Such measures and strategies~~ **Measures and strategies for suicide prevention, intervention, and postvention** shall include, but are not limited to:

**Note: Education Code 215, as amended by AB 1767, mandates that the district's policy address any training on suicide awareness and prevention to be provided to teachers of students in ~~grades 7-12 on suicide awareness and prevention.~~ all grade levels served by the district.** See the accompanying administrative regulation for additional language fulfilling this mandate. In addition, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor. Item #1 may be revised to specify other categories of employees who will receive the training.

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students, **as described in the accompanying administrative regulation**

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Note: Items #2-7 below reflect optional strategies for suicide prevention, intervention, and postvention and may be revised to reflect district practice.**

2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

*(cf. 6142.8 - Comprehensive Health Education)*

### SUICIDE PREVENTION (continued)

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

Note: Education Code 215 **mandates** that the district's policy specifically address the needs of high-risk groups, including, but not limited to, those listed in the following paragraph. See the accompanying administrative regulation for additional language fulfilling this mandate.

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

**Note: The following paragraph is for use by districts that serve students in grades K-6. Education Code 215, as amended by AB 1767, mandates that the district's policy for students in grades K-6 ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.**

**If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)**

**SUICIDE PREVENTION (continued)**

*(cf. 5141.6 - School Health Services)*

**District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)**

Note: Pursuant to Education Code 215, as amended by AB 2639 (Ch. 437, Statutes of 2018), boards that serve students in grades 7-12 are required to review, and if necessary update, the district's student suicide prevention policy at least every five years.

The Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to ensure that the district's suicide prevention policies for grades K-6 and 7-12 be readily accessible in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

**The Superintendent or designee shall post this policy on the district's web site, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)**

*Legal Reference:*

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

**234.6 Posting suicide prevention policy on web site**

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-~~5883~~ **5886** Children's Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

*Management Resources: (see next page)*

## SUICIDE PREVENTION (continued)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003-2019

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

#### NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015

#### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012

Preventing Suicide: A Toolkit for High Schools, 2012

#### WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <https://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <https://www.schoolcounselor.org>

California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>

California Department of Health Care Services, **Mental Health Services Suicide Prevention Program:**

<http://www.dhcs.ca.gov/services/MH/Pages/SuicidePrevention.aspx>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

National Association of School Psychologists: <https://www.nasponline.org>

National Institute for Mental Health: <http://www.nimh.nih.gov>

**Suicide Prevention Resource Center: <https://www.sprc.org/about-suicide>**

**Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org>**

Trevor Project: <http://thetrevorproject.org>

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services

Administration: <http://www.samhsa.gov>

# CSBA Sample Administrative Regulation

Students

AR 5141.52(a)

## SUICIDE PREVENTION

Note: Pursuant to Education Code 215, districts serving students in grades 7-12 are ~~mandated to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide).~~ **Education Code 215, as amended by AB 1767 (Ch. 694, Statutes of 2019), mandates policy on suicide prevention, intervention, and postvention for grades 7-12 and, beginning in the 2020-21 school year, for grades K-6.** See the accompanying Board policy. The following administrative regulation provides additional strategies that fulfill the mandate and may be revised to reflect district practice.

Examples of suicide prevention strategies are also available in the California Department of Education's (CDE) ~~model policy~~ **Model Youth Suicide Prevention Policy**, the U.S. Department of Health and Human Services publication Preventing Suicide: A Toolkit for High Schools, and resources issued by other state and federal agencies and organizations. For further information about strategies to protect students from bullying, cyberbullying, and other harassment, see BP 5131 - Conduct, BP 5131.2 - Bullying, BP 5145.3 - Nondiscrimination/Harassment, and BP 5145.9 - Hate-Motivated Behavior.

~~Effective July 1, 2019, Education Code 215.5, as added by SB 972 (Ch. 460, Statutes of 2018), requires districts that issue or reissue student identification cards to have printed on either side of the card the telephone number of the National Suicide Prevention Lifeline (1-800-273-8255), and allows to have printed on the card the Crisis Text Line (texting HOME to 741741) and/or a local suicide prevention hotline telephone number. If, as of July 1, 2019, the district has unissued student identification cards that do not comply with the above requirements, the cards should be issued until the supply is depleted.~~

~~Student identification cards shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number. (Education Code 215.5)~~

## Staff Development

Note: Education Code 215, **as amended by AB 1767, mandates** that the district's policy ~~and procedures~~ address any training **on suicide awareness and prevention** to be provided to teachers of students in **all grades 7-12 on suicide awareness and prevention levels served by the district**. In addition, Education Code 49604 encourages each district to provide suicide prevention training at least once to each middle, junior high, and high school counselor. The following section may be revised to reflect district practice.

Education Code 216, ~~as added by AB 1808 (Ch. 32, Statutes of 2018),~~ requires CDE to identify evidence-based online training program(s), aligned with the requirements of Education Code 215, that districts can use to train students and staff. Additionally, dependent upon funds being appropriated in the annual Budget Act, CDE will provide grants, upon application, to county offices of education for the acquisition of such training programs to disseminate to districts at no cost.

Suicide prevention training shall be provided to teachers, counselors, and other district employees who interact with students. The training shall be offered under the direction of a district counselor/psychologist and/or in cooperation with one or more community mental health agencies.



## SUICIDE PREVENTION (continued)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Staff development shall include research and information related to the following topics:

Note: Education Code 215 mandates that the district's policy specifically address the needs of high-risk groups; see the accompanying Board policy. One strategy to specifically address their needs is to increase staff awareness of the higher rates of suicide among these groups, as provided in item #1 below.

1. The higher risk of suicide among certain groups, including, but not limited to, students who are **bereaved impacted** by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning **youth**

Note: Staff development may include training about individual risk factors associated with suicide, as provided in item #2 below. Information about risk factors is available from CDE, Centers for Disease Control and Prevention, American Association of Suicidology, American Foundation for Suicide Prevention, Trevor Project, and other agencies and organizations.

2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors

*(cf. 5131.6 - Alcohol and Other Drugs)*

3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health

**SUICIDE PREVENTION** (continued)

6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups

*(cf. 5141.6 - School Health Services)*

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

7. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for monitoring the student while the immediate referral of the student to medical or mental health services is being processed
8. District procedures for responding after a suicide has occurred

**Instruction**

Note: The state's content standards for health education include voluntary standards pertaining to mental, emotional, and social health at selected elementary and secondary grades and suicide prevention instruction at grade 7 or 8 and in high school.

The district's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum **at appropriate secondary grades in an age appropriate manner** and shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors **in oneself and others** and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Develop coping and resiliency skills and self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5141.6 - School Health Services)*

*(cf. 6142.8 - Comprehensive Health Education)*

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

## SUICIDE PREVENTION (continued)

### Student Identification Cards

Note: **The following section is for use by districts that serve students in grades 7-12.** Effective July 1, 2019, Education Code 215.5, as added by SB 972 (Ch. 460, Statutes of 2018), requires districts that issue or reissue student identification cards to have printed on either side of the card the telephone number of the National Suicide Prevention Lifeline (1-800-273-8255), and allows to have printed on the card the Crisis Text Line (texting HOME to 741741) and/or a local suicide prevention hotline telephone number. If, as of July 1, 2020, the district has unissued student identification cards that do not comply with the above requirements, the cards should be issued until the supply is depleted.

Student identification cards **for students in grades 7-12** shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number. (Education Code 215.5)

### Intervention

Note: Education Code 215 **mandates** that the district's policy and procedures address suicide intervention. The following section should be revised to reflect district practice.

In addition, the district may choose to incorporate crisis intervention strategies in its comprehensive school safety plan adopted pursuant to Education Code 32280-32289.5; see BP/AR 0450 - Comprehensive Safety Plan.

Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal or school counselor, who shall implement district intervention protocols as appropriate.

Note: Education Code 49602 generally protects the confidentiality of information of a personal nature disclosed to a school counselor by a student age 12 years or older or by a parent/guardian. However, in certain circumstances, the counselor may disclose such information to avert a clear and present danger to the health, safety, or welfare of the student or others within in the school community. Also see BP 6164.2 - Guidance/Counseling Services.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, referenced, or discussed with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may

## SUICIDE PREVENTION (continued)

disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment. (Education Code 49602)

*(cf. 5141 - Health Care and Emergencies)*

~~School employees shall act only within the authorization and scope of their credential or license. An employee is not authorized to diagnose or treat mental illness unless specifically licensed and employed to do so. (Education Code 215)~~

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

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

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5141 - Health Care and Emergencies)*

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

*(cf. 5125 - Student Records)*

Note: The following paragraph is **optional**. If a student's parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide, the Superintendent or designee shall consider whether a referral to child protective services for child neglect is needed. Pursuant to Penal Code 11164-11174.3, the Child Abuse and Neglect Reporting Act, school employees who are mandated reporters are required to report child abuse or neglect, as defined in law, when they have knowledge of or reasonably suspect that a child is a victim of child abuse or neglect. See BP/AR 5141.4 - Child Abuse Prevention and Reporting.

**SUICIDE PREVENTION** (continued)

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether it is necessary, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

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

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school and determine the need for ongoing support.

**Postvention**

Note: Education Code 215 **mandates** that the district's policy and procedures address suicide postvention. The following section should be revised to reflect district practice.

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

Note: Research has identified an increased risk of suicide among youth who are grieving the suicide of another (so-called "suicide contagion"). The National Association of School Psychologists, in its Preventing Suicide: Guidelines for Administrators and Crisis Teams, recommends that memorials should be implemented with care so as not to sensationalize or glamorize suicide and thereby increase the suicide risk to other students. If a memorial is conducted for a student who dies by suicide, the association suggests a living memorial, such as making donations to a local crisis center, participating in an event that raises awareness about suicide prevention, or providing other opportunities for service activities in the school that emphasize the importance of students taking care of each other.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. The Superintendent or designee shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. **Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored.** School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

**SUICIDE PREVENTION** (continued)

Any response to media inquiries shall be handled by the district-designated spokesperson who shall not divulge confidential information. The district's response shall not sensationalize suicide and shall focus on the district's postvention plan and available resources.

*(cf. 1112- Media Relations)*

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

# CSBA Sample Board Policy

Students

BP 5144.1(a)

## SUSPENSION AND EXPULSION/DUE PROCESS

Note: Education Code 35291 requires the Governing Board to prescribe rules and regulations for maintaining discipline in the schools under its jurisdiction. Education Code 48918 **mandates** the setting of rules and regulations for student expulsion as specified in this Board policy and the accompanying administrative regulation.

While recognizing that suspension or expulsion of students is sometimes necessary, legislative, administrative, regulatory, civic, and educational leaders are united in the belief that instructional time should be used for student learning purposes and that school discipline should be imposed in a way that, as much as possible, does not exclude students from school or limit their ability or opportunity to learn. According to the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, studies suggest a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehaviors.

Pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless the student has been subjected to other means of correction which have failed to bring about proper conduct. Such other means of correction include, but are not limited to, conferences between school personnel, and the student, and his/her the student's parents/guardians; use of study, guidance, or other intervention teams to develop a plan to address the behavior in partnership with the student; and participation in a restorative justice program. For further information about specific disciplinary strategies, including alternatives to class or school removals, see BP/AR 5144 - Discipline. Education Code 48900.5 authorizes a district to document in a student's records the alternative means of correction used to address the student's behavior. Furthermore, when a student is being suspended by the Superintendent, principal, or designee, Education Code 48911 requires that the student be informed, during the informal conference that precedes the suspension, of the other means of correction that were attempted before the suspension.

**Pursuant to Education Code 48913.5, as added by AB 982 (Ch. 779, Statutes of 2019), when a parent/guardian of a student in grades 1-12 who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher must provide such homework; see BP 6154 - Homework/Makeup Work.**

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

*(cf. 5131 - Conduct)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.2 - Bullying)*

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Note: Pursuant to Education Code 48900(s), a student may be subject to discipline only when the violation is related to a school activity or school attendance as specified below. A student may also be disciplined for a violation committed away from school if it is related to a school activity or to school attendance. For example, Education Code 48900 defines bullying by means of an electronic act as including an act that originates off campus; see the accompanying administrative regulation and BP/AR 5131.2 - Bullying. Another example is the hostile school environment which a victim may suffer from sexual harassment that occurs off campus; see BP/AR 5145.7 - Sexual Harassment.

Except when otherwise permitted by law, a student may be suspended or expelled only when **his/her the** behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

*(cf. 5112.5 - Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

Note: The following paragraph addresses the problem of unlawful discrimination in the administration of student discipline. In their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, DOJ and OCR noted that, based on the civil rights data collection conducted by OCR, students of certain racial or ethnic groups tended to be disciplined more, and sometimes more harshly, than their similarly situated peers in violation of federal nondiscrimination laws. The letter warned that any district determined to have engaged in unlawful discrimination could be subject to OCR investigation and significant remedial action.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.



**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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

**Appropriate Use of Suspension Authority**

Note: Education Code 48900.5 requires districts to use other means of correction instead of suspension or expulsion except when a student commits certain enumerated offenses. The following section reflects legislative intent regarding appropriate use of suspension as a means of disciplining students and may be modified to reflect district practice.

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when **his/her the student's** presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

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

*(cf. 5144 - Discipline)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

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

*(cf. 6164.5 - Student Success Teams)*

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

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

Note: **As amended by SB 419 (Ch. 279, Statutes of 2019),** Education Code 48900(k) prohibits a district from suspending students in grades K-~~3~~ **8** for disruption or willful defiance **beginning July 1, 2020.**

**A district may, but is not required to, and authorizes, but does not require, a district to** suspend students in grades ~~4-9~~ **49**-12 for disruption or willful defiance. Even with this authority, districts should be careful in using these grounds, as available data have indicated a disproportionate use with certain student subgroups. Option 1 below is for use by any district that chooses to suspend students in grades ~~49~~ **49**-12 for disruption and/or willful defiance as authorized pursuant to Education Code 48900(k). Any district that chooses to eliminate disruption and willful defiance as reasons for suspending any of its students from school should select Option 2 below. Such districts should also delete the ~~first paragraph in the~~ section titled "Additional Grounds for Suspension and Expulsion: Grades ~~49~~ **49**-12" in the accompanying administrative regulation.

Each option below reflects an exception granted to teachers pursuant to Education Code 48910 to suspend students, including a K-3 student, from class; see section "Suspension from Class by a Teacher" in the accompanying administrative regulation.

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

No student in grades K-~~3~~ **8** may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Note: The following **optional** paragraph reflects the Legislature's intent, expressed in Education Code 48900, concerning disciplinary actions against truant, tardy, or absent students. Since these are not enumerated offenses, a district does not have the authority to suspend or expel students for committing any of these acts.

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

### **On-Campus Suspension**

Note: As an alternative to off-campus suspension, Education Code 48911.1 authorizes a supervised suspension classroom program for students who pose no imminent danger to anyone at school and who have not been recommended for expulsion, as specified below. Education Code 48911.2 states that, if the number of students suspended during the prior year exceeds 30 percent of the school's enrollment, the district should consider implementing this program and/or another on-campus progressive discipline program.

The following **optional** section is for use by districts implementing a supervised suspension classroom program. Such districts may continue to claim funding apportionments for students so assigned, provided they meet specific criteria which are set forth under "Supervised Suspension Classroom" in the accompanying administrative regulation. A district does not receive funding for off-campus suspensions.

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation, ~~under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12,"~~ the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

A vote to expel a student shall be taken in an open session of a Board meeting.

Note: Pursuant to Education Code 48917, the Board may decide to suspend the enforcement of an order for expulsion as long as a student satisfies specific conditions. See the accompanying administrative regulation for criteria. In addition, the Attorney General opined in 80 Ops.Cal.Atty.Gen. 85 (1997) that the enforcement of an expulsion order may be suspended even in those cases where the student has committed an offense for which expulsion is required by law. Legal counsel should be consulted as appropriate.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Note: The following paragraph is for use by districts that contract with the California Department of Education (CDE) to operate a California State Preschool Program. Education Code 8239.1, **as added by AB 752 (Ch. 708, Statutes of 2017)**, prohibits the expulsion or disenrollment of a child in a preschool program unless the district has taken specified steps and the child's continued enrollment would present a serious safety threat to the child or other enrolled children. For further details regarding the steps the district must take prior to expelling a child, see BP 5148.3 - Preschool/Early Childhood Education.

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

*(cf. 5148.3 - Preschool/Early Childhood Education)*

### **Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

*(cf. 5119 - Students Expelled from Other Districts)*

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

### **Maintenance and Monitoring of Outcome Data**

Note: Education Code 48900.8 and 48916.1 require the district to maintain data related to suspensions and expulsions as provided below. Pursuant to Education Code 48916.1, the Superintendent of Public Instruction

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

may require submission of such data as part of the Federal Program Monitoring process. In addition, 20 USC 7961 requires districts to submit to CDE a description of the circumstances surrounding any expulsions based on bringing or possessing a firearm on campus, including the name of the school, the number of students expelled, and the type of firearms involved.

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

Note: Pursuant to Education Code 52060, districts are required to address school climate in the local control and accountability plan, as measured by student suspension and expulsion rates and other local measures for each school and each numerically significant student subgroup. As defined in Education Code 52052, numerically significant subgroups include 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 presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

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

*Legal Reference: (see next page)*

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### *Legal Reference:*

#### EDUCATION CODE

212.5 *Sexual harassment*

233 *Hate violence*

1981-1981.5 *Enrollment of students in community school*

8239.1 *Prohibition against expulsion of preschool student*

17292.5 *Program for expelled students*

32261 *Interagency School Safety Demonstration Act of 1985*

35145 *Open board meetings*

35146 *Closed sessions (regarding suspensions)*

35291 *Rules (for government and discipline of schools)*

35291.5 *Rules and procedures on school discipline*

48645.5 *Readmission; contact with juvenile justice system*

48660-48666 *Community day schools*

48853.5 *Foster youth*

48900-48927 *Suspension and expulsion*

48950 *Speech and other communication*

48980 *Parental notifications*

49073-49079 *Privacy of student records*

52052 *Numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

64000-64001 *Consolidated application*

#### CIVIL CODE

47 *Privileged communication*

48.8 *Defamation liability*

#### CODE OF CIVIL PROCEDURE

1985-1997 *Subpoenas; means of production*

#### GOVERNMENT CODE

11455.20 *Contempt*

54950-54963 *Ralph M. Brown Act*

#### HEALTH AND SAFETY CODE

11014.5 *Drug paraphernalia*

11053-11058 *Standards and schedules*

#### LABOR CODE

230.7 *Employee time off to appear in school on behalf of a child*

#### PENAL CODE

31 *Principal of a crime, defined*

240 *Assault defined*

241.2 *Assault fines*

242 *Battery defined*

243.2 *Battery on school property*

*Legal Reference continued: (see next page)*

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

*Legal Reference: (continued)*

PENAL CODE (continued)

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

*Management Resources: (see next page)*

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### *Management Resources:*

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

*Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014*

### *WEB SITES*

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

*California Attorney General's Office: <http://www.oag.ca.gov>*

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

*U.S. Department of Education, Office for Civil Rights:*

*<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>*

*U.S. Department of Education, Office of Safe and Healthy Students:*

*<http://www2.ed.gov/about/offices/list/oese/osh>*

(12/17 10/18) 3/20

**Policy Reference UPDATE Service**

Copyright 2020 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

# CSBA Sample



# Administrative Regulation

Students

AR 5144.1(a)

## SUSPENSION AND EXPULSION/DUE PROCESS

Note: CSBA recommends that this administrative regulation be approved by the Governing Board, regardless of **regular** district practice **regarding the approval of administrative regulations**.

Education Code 35291 requires the Board to adopt rules and regulations, which are not inconsistent with law or rules adopted by the State Board of Education, for the government and discipline of the schools under its jurisdiction. In addition, Education Code 48918 and 48918.5 **mandate** that districts adopt rules concerning the due process rights of students in expulsion situations, and Education Code 48916 **mandates** procedures for filing and processing requests for readmission. Specific language complying with these mandates is included throughout this administrative regulation.

~~The acts for which students may be suspended or expelled are specified in law and in the sections below titled "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12." The Board does not have authority to add to those enumerated acts. However, the Board has authority to prohibit suspension or expulsion for certain acts for which suspension or expulsion is permissible rather than mandatory. The Board may consider limiting the use of suspension and expulsion for such offenses as part of the district plan to address school climate within the local control and accountability plan required pursuant to Education Code 52060. In addition, pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct.~~

### Definitions

*Suspension* means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

*Expulsion* means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

### Notice of Regulations

AR 5144.1(b)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

*(cf. 5144 - Discipline)*

*(cf. 5145.6 - Parental Notifications)*

### Grounds for Suspension and Expulsion: Grades K-12

Note: The acts for which students may be suspended or expelled are specified in law, **the following section, and in the sections below titled "~~Grounds for Suspension and Expulsion: Grades K-12~~" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12."** The Board does not have authority to add to those enumerated acts. However, the Board has authority to prohibit suspension or expulsion for certain acts for which suspension or expulsion is permissible rather than mandatory. The Board may consider limiting the use of suspension and expulsion for such offenses as part of the district plan to address school climate within the local control and accountability plan required pursuant to Education Code 52060. In addition, pursuant to Education Code 48900.5, a district is not authorized to suspend a student for certain specified violations unless other means of correction have failed to bring about proper conduct.

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows **and in the sections "Additional Grounds for Suspension and Expulsion: Grades 4-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12" below:**

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

Note: The Attorney General, in 80 Ops.Cal.Atty.Gen. 91 (1997), determined that a student may be expelled for "possession" of a firearm if the student knowingly and voluntarily had direct control over the firearm. The only exceptions are when the student has permission from school officials to possess the firearm (pursuant to Education Code 48900 and 48915) or when the possession is brief and solely for the purpose of disposing of the firearm, such as handing it to school officials. Note that "firearm" does not include "imitation firearm" which is listed separately in item #12 below. See BP 5131.7 - Weapons and Dangerous Instruments.

Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct.

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

*(cf. 3513.4 - Drug and Alcohol Free Schools)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing **his/her own** prescription products (Education Code 48900(h))

*(cf. 5131.62 - Tobacco)*

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

*Imitation firearm* means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

*Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

<p>Note: Education Code 48900(r) defines "bullying" as "any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act," which is directed toward a student and which would have serious detrimental consequences upon a reasonable student. Pursuant to Education Code 48900, a student may be disciplined for bullying by means of an electronic act even when the act originated off campus. See also BP 5131.2 - Bullying.</p>
---

17. Engaged in an act of bullying (Education Code 48900(r))

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

*Bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to **himself/herself self** or **his/her** property; cause the student to experience a substantially detrimental effect on **his/her** physical or mental health; or cause the student to experience substantial interferences with **his/her** academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Note: "Bullying" also would include any act of sexual harassment, hate violence, or harassment, threat, or intimidation committed by a student at any grade level, as set forth in Education Code 48900.2, 48900.3, or 48900.4, when the act results in harm to a reasonable student as specified in the above paragraph. However, when bullying is found under these circumstances, students below grade 4 may be disciplined for the "bullying" but not for the underlying act of sexual harassment, hate violence, or harassment, threat, or intimidation as specified below in **items #1-3 of the section** "Additional Grounds for Suspension and Expulsion: Grades 4-12."

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in **items #1-3 of the section** "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

*Electronic act* means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

*Reasonable student* means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of ~~his/her~~ **the student's** age, or for a person of ~~his/her~~ **the student's** age ~~with his/her~~ **and** disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

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

Note: Education Code 48900(t) allows for the suspension, but not expulsion, of a student who "aids or abets," as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. The term "aiding or abetting," is a complex legal term and requires that, at the time ~~he/she~~ **the crime was** committed ~~the crime~~, the aider or abettor was aware of the crime and specifically intended to commit the crime. Because of the complexities of criminal law, legal counsel should be consulted as appropriate.

Pursuant to Education Code 48900(t), any student who aids or abets a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury is subject to suspension or expulsion as provided in item #1 above.

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### Additional Grounds for Suspension and Expulsion: Grades 4-12

Note: The following section applies only to students in grades 4-12 and may be revised to reflect grade levels offered by the district.

Pursuant to Education Code 48900(k), except as otherwise provided in Education Code 48910, students in grades K-3 must not be suspended for disruption of school activities or willful defiance of school authority, and students in grades K-12 must not be expelled on these grounds. Since districts are authorized but not required to suspend students in grades 4-12 based on these grounds, a district may choose, consistent with Option 2 in the accompanying Board policy, to prohibit the use of these reasons for suspending its students. **Any district that chooses to do so should delete the following paragraph.**

None of the prohibitions or restrictions in Education Code 48900(k) affect a teacher's authority to remove a student from class for one day pursuant to Education Code 48910.

~~Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))~~

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

Note: The following section applies only to students in grades 4-12 and may be revised to reflect grade levels offered by the district.

As discussed in item #17 of "Grounds for Suspension and Expulsion: Grades K-12" above, although Education Code 48900(r) defines bullying to include acts involving items #1-3 below, Education Code 48900.2-48900.4 provide that only students in grades 4-12 may be suspended or expelled for the individual acts that constitute sexual harassment, hate violence, and harassment. The interplay between "bullying" and items #1-3 can raise complex legal issues. Districts should consult legal counsel as appropriate.

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that **he/she the student**:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*Sexual harassment* means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

*Hate violence* means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

### **Additional Grounds for Suspension and Expulsion: Grades 9-12**

Note: Pursuant to Education Code 48900(k), as amended by SB 419 (Ch. 279, Statutes of 2019), ~~except as otherwise provided in Education Code 48910,~~ students in grades ~~K-3~~ **K-8** must not be suspended for disruption of school activities or willful defiance of school authority, and students in grades K-12 must not be expelled on these grounds. Since districts are authorized but not required to suspend students in grades ~~4-12~~ **9-12** based on these grounds, **the following section is for use only by districts that selected Option 1 in the section "Appropriate Use of Suspension Authority" in the accompanying Board policy. Districts that selected Option 2 in the accompanying Board policy, thereby prohibiting the use of these reasons for suspending students at any grade level, should delete the following section. a district may choose, consistent with Option 2 in the accompanying Board policy, to prohibit the use of these reasons for suspending its students. Any district that chooses to do so should delete the following paragraph.**

None of the prohibitions or restrictions in Education Code 48900(k) affect a teacher's authority to remove a student from class for one day pursuant to Education Code 48910. See the section **"Suspension from Class by a Teacher"** below.



## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Any student in grades 4-12 **9-12** may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

*(cf. 5131.4 - Student Disturbances)*

### Suspension from Class by a Teacher

Note: The following section is **optional** and may be revised to reflect district practice. While Education Code 48900(k) prohibits a district from suspending students in grades ~~K-3~~ **K-8** for disruption or willful defiance, it still allows for a teacher to suspend a ~~K-3~~ **K-8** student on these grounds.

A teacher may suspend a student, ~~including a grade K-3 student,~~ from class for the remainder of the day and the following day for ~~disruption, willful defiance, or~~ any of the ~~other~~ acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above **or for disruption or willful defiance at any grade level, including grades K-8.** (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, ~~he/she~~ **the student** shall be appropriately supervised during the class periods from which ~~he/she~~ **the student** has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, ~~he/she~~ **the teacher** shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which ~~he/she~~ **the student** was suspended. (Education Code 48910)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

### Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which **he/she a recommendation of expulsion** is required **to recommend expulsion**. (Education Code 48915(c))

Note: Education Code 48900.5 limits situations warranting suspension for a first offense to when the violation involves Education Code 48900(a)-(e) or the student's presence causes a danger to persons.

The Superintendent, principal, or designee may impose a suspension for a first offense if **he/she it is** determined **d** that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

Note: Pursuant to Education Code 48900 and 48915, except for certain egregious acts or offenses for which suspension is permissible or mandatory, as specified above pursuant to Education Code 48915(a) or (c), the Superintendent or principal is authorized **to use his/her discretion** to provide an alternative, age-appropriate disciplinary measure that is tailored to correct a student's specific misbehavior. In addition, the U.S. Department of Justice's Civil Rights Division (DOJ) and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, recommend that effective alternatives to suspension and expulsion be implemented for correcting student misbehavior. For a list of appropriate alternatives, see AR 5144 - Discipline.

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

*(cf. 5125 - Student Records)*

### Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, **he/she the student** may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

*(cf. 6184 - Continuation Education)*

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

### Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against **him/her the student**, and shall be given the opportunity to present **his/her the student's** version and evidence **in support of his/her defense**. (Education Code 48911)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives **his/her the** right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

Note: Item #2 below should be revised to reflect the district's processing and reporting procedures.

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

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

In addition, the notice may state the date and time when the student may return to school.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)
  - a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
  - b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Note: When the student being considered for expulsion is a foster youth, Education Code 48911 and 48918.1 require the district to invite the student's attorney and an appropriate county child welfare agency representative to the meeting specified above. See the section below titled "Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students." To ensure such invitation, the following paragraph provides that the district liaison for foster youth be notified. However, any district that has designated another position to carry out this responsibility may modify the paragraph to specify that position. For designation of the liaison for foster youth, see AR 6173.1 - Education for Foster Youth.

- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

*(cf. 6173.1 - Education for Foster Youth)*

Note: Pursuant to Education Code 48918.1, the district's liaison for homeless students must be notified when the student being considered for expulsion is a homeless student. See the section below titled "Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students."

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

*(cf. 6173 - Education for Homeless Children)*

Note: The following **optional** paragraph may be revised to reflect district practice. Since Education Code 48900 and 48900.5 require a district, under certain circumstances, to use alternative disciplinary measures prior to imposing suspension, including supervised suspension, the district may, as necessary, provide services that would address the student's specific misbehavior along with the suspension program. For example, the district may require the student to enroll in a program that teaches prosocial behavior or anger management even while the student is suspended.

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct **his/her the** behavior and keep **him/her the student** in school.

### Suspension by the Board

Note: The following **optional** section reflects the Board's authority to suspend students from school pursuant to Education Code 48912. In practice, it is impractical for boards to directly exercise this authority since circumstances warranting suspension usually require quick and sometimes immediate action which may not be possible for a board due to legal requirements for taking board actions, such as having a meeting.

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," **and** "Additional Grounds for Suspension and Expulsion: Grades 4-12," **and "Additional Grounds for Suspension and Expulsion: Grades 9-12"** above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

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

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The Board shall provide the student and **his/her** parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### On-Campus Suspension

Note: The following **optional** section is for use by any district establishing an on-campus suspension program pursuant to Education Code 48911.1. However, pursuant to Education Code 48900.5, such a district is required to use other means of correcting a student's behavior before imposing a supervised suspension, unless such a supervised suspension is otherwise permitted by law for a student's first offense. Use of a supervised suspension classroom program does not in any way limit the district's ability to transfer a student to an opportunity school or class or a continuation education school or class in accordance with law.

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting **his/her the student's** teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, ~~he/she~~ **the Superintendent or principal** shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication ~~for his/her use~~ or other medication prescribed ~~for him/her~~ by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

### Student's Right to Expulsion Hearing

Note: Education Code 48918 **mandates** that the Board establish rules and regulations governing procedures for the expulsion of students. The timelines of Education Code 48918 must be strictly followed; failure to do so may result in loss of the district's power to act (Garcia v. Los Angeles Board of Education). In calculating timelines, the district should also be aware of the difference between the calculation of "school days" and "calendar days" under Education Code 48918.

Any student recommended for expulsion shall be entitled to a hearing to determine whether ~~he/she~~ **the student** should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))



## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### Stipulated Expulsion

Note: The following section is **optional** and may be revised to reflect district practice. "Stipulated expulsion" is for districts that have adopted an expedited procedure which allows a student to waive **his/her the** right to a pre-expulsion hearing in exchange for an agreement as to the terms of the expulsion. Such waivers are not specifically addressed in law and districts should ensure that the due process rights of students are included in the stipulated agreement and are clearly explained to them before the agreement is signed. Districts should consult legal counsel as appropriate.

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and **his/her** parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or **his/her** parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and **his/her** parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of **his/her the** right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

AR 5144.1(r)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

### Rights of Complaining Witness

Note: Education Code 48918.5 **mandates** the following rights related to the treatment of witnesses alleging acts of sexual assault or sexual battery. Other procedures related to complaining witnesses also may be added as desired by the district. Additional mandated procedures related to the rights and treatment of complaining witnesses are included where appropriate throughout this regulation.

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she **the Superintendent or designee** shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her **the** right to: (Education Code 48918.5)

1. Receive five days' notice of his/her **the** scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she **the witness** testifies
3. Have a closed hearing during the time he/she **the witness** testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### Written Notice of the Expulsion Hearing

Note: Education Code 48918 **mandates** the Board to adopt procedures that include the following items.

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

*(cf. 5119 - Students Expelled from Other Districts)*

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

*Legal counsel* means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

*Nonattorney adviser* means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

### **Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students**

Note: Prior to conducting an expulsion hearing to determine whether a foster youth should be expelled, Education Code 48918.1 requires the district to notify the student's attorney and a representative of an appropriate county child welfare agency, provided that the violation does not require a mandatory recommendation for expulsion. Pursuant to Education Code 48918.1, such additional notice must be given to the district liaison for homeless students when the student involved is a homeless child or youth and the violation does not require a mandatory recommendation for expulsion. While such a notice is not required if the offense requires a mandatory recommendation for expulsion, it is nonetheless recommended and the following section reflects this recommendation.

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

### Conduct of Expulsion Hearing

Note: Education Code 48918 **mandates** that the Board adopt procedures that include the following items.

Instead of the Board conducting an expulsion hearing, it may appoint a hearing officer or an impartial administrative panel to conduct the hearing; see section "Alternative Expulsion Hearing: Hearing Officer or Administrative Panel" below. Even if the district conducts all expulsion hearings in this manner, the requirements of Education Code 48918 pertaining to the conduct of the hearing must be met.

1. **Closed Session:** Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Note: For the purpose of Board deliberations during the closed session described below, the presence of any person other than the Board members, including the Superintendent, necessitates allowing the presence of the parent/guardian, student, and student's counsel.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to **have his/her testimony heard testify** in closed session when testifying in public would threaten

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

Note: Education Code 48918 authorizes the Board to issue subpoenas for the personal appearance of percipient witnesses at an expulsion hearing. In Woodbury v. Dempsey, the court held that a district's authority to determine whether to issue subpoenas is discretionary, but a district could not have a blanket policy denying the issuance of subpoenas in all cases.

In accordance with Code of Civil Procedure 1987, the subpoena must be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. Unless they are parties to the hearing or are district or government employees, witnesses who appear pursuant to a subpoena receive fees equal to those prescribed for witnesses in civil actions in a superior court, and all witnesses other than the parties to the hearing receive mileage; these fees and mileage must be paid by the party requesting the subpoena.

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12," and "Additional Grounds for Suspension and Expulsion: Grades 4-12," and "Additional Grounds for Suspension and Expulsion: Grades 9-12" above. (Education Code 48918(h))

Note: Findings of fact made by the Board or a hearing panel must not be based on hearsay alone. "Hearsay" is evidence of an oral or written statement made by a person who is not present at the hearing which is offered to establish a fact as being true. Some exceptions to the hearsay rule exist under the Evidence Code and Education Code; the district should consult legal counsel as appropriate.

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

Note: Education Code 48918.6 provides that testimony by a student witness at an expulsion hearing is privileged and thus protected from liability for defamation pursuant to Civil Code 47(b).

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during ~~his/her~~ **the** testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom ~~he/she finds~~ is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which ~~he/she~~ **the complaining witness** may leave the hearing room.
  - (3) The person conducting the hearing may:

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
  - (b) Limit the time for taking the testimony of a complaining witness to **the normal school** hours ~~he/she is normally in school~~, if there is no good cause to take the testimony during other hours
  - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. **Decision:** The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from **his/her** school **of attendance**, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

### Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Note: For districts that use a hearing officer or administrative panel, Education Code 48918 **mandates** that the Board adopt procedures that include the following section.

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

Note: Pursuant to Education Code 48918, if the hearing officer or administrative panel does not recommend expulsion, a student must be permitted to return to the classroom instructional program from which the expulsion referral was made, unless the student's parent/guardian requests a different placement. Education Code 48918 also states that a student who is found to have committed any of the violations listed in "Authority to Expel" in the accompanying Board policy but for whom expulsion is not recommended may



## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

be referred to **his/her the student's** prior school. However, the hearing officer or administrative panel, like the Board, must recommend expulsion or a suspended expulsion under Education Code 48915, if it finds that a student committed any such violation that mandates expulsion. District should consult legal counsel to resolve this apparent discrepancy.

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by **his/her the student's** parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

### Final Action by the Board

Note: Education Code 48918 **mandates** that the Board adopt procedures that include the following paragraph.

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

*(cf. 9321.1—Closed Session Actions and Reports)*

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Note: 20 USC 7961 requires the district, in the consolidated application for federal funding, to provide an assurance that it will comply with the state requirement to expel, for a period not less than one year, any student who brings a firearm to school or possesses a firearm at school.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

Note: The following paragraph is **optional**. Education Code 48916.5 authorizes, but does not mandate, the Board to make the following requirement of certain expelled students.

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12," ~~or~~ "Additional Grounds for Suspension and Expulsion: Grades 4-12," **or "Additional Grounds for Suspension and Expulsion: Grades 9-12"** (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and **his/her** parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

### Decision to Suspend Expulsion Order

Note: Pursuant to Education Code 48917, the Board's criteria for suspending the enforcement of expulsions must be applied uniformly to all students. Items #1-3 below are <b>optional</b> and should be revised to reflect district criteria.
---

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and **his/her** willingness to follow a rehabilitation program

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12," ~~or~~ "Additional Grounds for Suspension and Expulsion: Grades 4-12," **or "Additional Grounds for Suspension and Expulsion: Grades 9-12"** above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of **his/her the student's** status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

### **Notification to Law Enforcement Authorities**

Note: Education Code 48902 requires the principal or designee to notify law enforcement authorities when a student possesses a firearm or explosive or sells or furnishes a firearm at school. However, when the student involved in such a case is a student with a disability, Education Code 49076 requires any law enforcement authority to which student information is disclosed to certify that those records will not be disclosed to another party without the prior written consent of the student's parent/guardian or other person invested with the student's educational right; see AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities).

When submitting the consolidated application for federal funding, the district must provide assurance that it has adopted a policy requiring referral to the criminal justice system or juvenile delinquency system of any student who brings a firearm or weapon to a school. The following section fulfills this requirement.

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

AR 5144.1(dd)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### Placement During Expulsion

Note: Education Code 48915 requires the Board to refer all expelled students to a program of study that is prepared to accommodate students with discipline problems and that is not located at the school the student currently attends or at any regular elementary, middle, junior, or senior high school. However, students expelled for the acts described in Education Code 48900(f) through (m) or Education Code 48900.2, 48900.3, or 48900.4 may be referred to a program of study that is at another elementary, middle, junior, or senior high school if the County Superintendent of Schools certifies that an alternative program is not available at a site away from such a school.

Education Code 48915.01 states that if the Board has established a community day school pursuant to Education Code 48661 on the same site as an elementary, middle, junior, or senior high school, expelled students may be referred to the community day school at that site. Although Education Code 48663 prohibits the use of independent study in community day schools, Education Code 48916.1 does not in any way restrict the district from offering independent study as a voluntary alternative placement option for expelled students.

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these
3. Not housed at the school site attended by the student at the time of suspension

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

### Readmission After Expulsion

Note: Education Code 48916 **mandates** that the Board adopt rules and regulations establishing a procedure for filing and processing requests for readmission and a process for Board review of all expelled students for readmission. Items #1-2 below should be revised to reflect district practice.

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board **his/her a** recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

## SUSPENSION AND EXPULSION/DUE PROCESS (continued)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

### **Maintenance of Records**

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

Note: Education Code 48915.1 requires that, when an expelled student asks to enroll in another district, the receiving district must hold a hearing to determine whether the student poses a danger to its students or staff. The receiving district then may either deny or permit the enrollment. Upon request from another district, the expelling district must provide information about the expulsion within five days.

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

*(cf. 5119 - Students Expelled from Other Districts)*

(12/17 10/18) 3/20

**Policy Reference UPDATE Service**

Copyright 2020 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

# CSBA Sample



# Board Policy

Instruction

BP 6172.1(a)

## CONCURRENT ENROLLMENT IN COLLEGE CLASSES

Note: The following **optional** policy may be revised to reflect district practice. Education Code 48800-48802 and 76000-~~76002~~ **76004** authorize enrollment in community college courses as an option for a limited number of district students to benefit from advanced scholastic or career technical work.

~~In addition, a limited number of school districts receive funding through the Foundation for California Community Colleges to operate Early College High Schools. The following policy does not address requirements pertaining to early or middle college high schools established pursuant to Education Code 11300-11302. These schools are designed so that students can~~ **These programs provide students an opportunity to** achieve two years of college credit at the same time they are earning a high school diploma, and are targeted toward student groups that historically have below-average high school and college graduation rates (e.g., low-income, at-risk, English language learner, and minority students). ~~For more information, see the Foundation's or California Department of Education's (CDE) web site. Districts that offer such a program may revise the following policy to reflect program goals and requirements.~~

The Governing Board desires to provide opportunities for eligible district students to enroll concurrently in courses offered at postsecondary institutions in order to foster individual student achievement, increase opportunities for students to complete college preparatory course requirements **and/or participate in** career technical education **(CTE) preparation**, and prepare students for a smooth transition into college by providing exposure to the collegiate environment.

*(cf. 6143 - Courses of Study)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6178 - Career Technical Education)*

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

Note: The following paragraph is **optional**. Education Code 51225.3 provides that completion of postsecondary courses may be used as an alternative means of satisfying high school graduation requirements when approved by the Governing Board. **See BP 6146.11 - Alternative Credits Toward Graduation. According to the CDE, students enrolled in college classes will receive credit from the postsecondary institution but, pursuant to Education Code 48800-48802 and 76001-76002 and as a result of the repeal in 2005 of 5 CCR 1630, the district has discretion to determine whether completion of such courses will receive credit from the district. See BP 6146.11 - Alternative Credits Toward Graduation. 48800, 76001, and 76003, a student will receive credit for community college courses that the student completes at the level determined appropriate by the Board and the governing board of the community college district.**

When it is determined that the postsecondary course in which the student intends to enroll is substantially equivalent to a course provided by the district, the student may receive credit toward high school graduation requirements in addition to credit received from the college.

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

BP 6172.1(b)

## CONCURRENT ENROLLMENT IN COLLEGE CLASSES (continued)

### Approval of Concurrent Enrollment

Note: Although the Board may approve students for postsecondary classes in accordance with Education Code 48800 and 48800.5, the decision to admit a student into a postsecondary class rests with the college. Pursuant to Education Code 76002, a community college may restrict the admission of special part-time or full-time students based on age, completion of a specified grade level, and/or demonstrated eligibility for instruction using assessment methods and procedures approved by the Board of Governors of the California Community Colleges. Education Code 76001 requires that community colleges assign a low enrollment priority to special part-time or full-time students in order to ensure that they do not displace regularly admitted students.

The following **optional** paragraph may be revised to reflect criteria for approval established by the Board.

The Board may approve a limited number of students of any age or grade level to apply for part-time or full-time concurrent enrollment in a community college or four-year college when it is determined to be in the student's best interest and the student is adequately prepared for such coursework.

Upon recommendation of the principal and with parent/guardian consent, the Board may authorize a student to ~~apply for attendance at~~ **attend** a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of instruction offered at the community college level. (Education Code 48800)

Note: Education Code 48800 provides a five percent enrollment cap on the number of students at each grade level ~~that who~~ may be recommended for community college summer session. However, this enrollment cap does not include ~~a students~~ who ~~are is~~ enrolled in ~~a~~ college-level lower division general education courses or ~~in a~~ career technical education (CTE) courses leading to a degree or certificate in the subject area, ~~under the conditions~~ **if the course meets the criteria** specified in Education Code 48800. **Pursuant to Education Code 48800, as amended by AB 1729 (Ch. 784, Statutes of 2019), such exceptions are operative through January 1, 2027.**

Within the enrollment limits and exceptions allowed by law, the principal may recommend a student for community college summer session if that student demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at ~~his/her~~ **the** school of attendance. (Education Code 48800)

~~Any~~ student's parent/guardian, **regardless of the student's age or grade level**, may petition the Board to authorize **special** full-time attendance at a community college **on the ground that if he/she believes** the student would benefit from advanced scholastic or career technical work that would be available. **If the petition is denied, an appeal may be filed with the County Board of Education.** (Education Code 48800.5)

If the Board denies a request for special part-time or full-time enrollment at a community college for a student who is identified as highly gifted and talented, the Board shall issue its

## CONCURRENT ENROLLMENT IN COLLEGE CLASSES (continued)

written recommendation and the reasons for the denial at its next regularly scheduled Board meeting that falls at least 30 days, but within 60 days, after the request has been submitted. (Education Code 48800, 48800.5)

Note: Pursuant to Education Code 48800.5, if the Board denies any student's petition for full time enrollment in a community college, the student's parent/guardian may file an appeal with the County Board, which must render a final decision, in writing, within 30 days.

Note: The following optional paragraph is for districts that offer an adult education program. Pursuant to Education Code 52620, as added by SB 554 (Ch. 528, Statutes of 2019), an adult education student pursuing a high school diploma or a high school equivalency certificate may be allowed to attend a community college as a special part-time student.

The Board may authorize a student who is pursuing a high school diploma or a high school equivalency certificate through an adult education program, upon recommendation of the administrator of the student's adult school, to attend a community college during any session or term as a special part-time student. (Education Code 52620)

*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*  
*(cf. 6200 - Adult Education)*

### College and Career Access Pathways Partnerships

Note: The following optional section is for districts that wish to establish a College and Career Access Pathways (CCAP) program at one or more high schools. Education Code 76004 authorizes the Board to enter into a CCAP agreement with the governing board of a community college district for the purpose of offering or expanding dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education. The goals of such programs are to develop seamless pathways from high school to community college for CTE or preparation for transfer, improve high school graduation rates, and/or help achieve college and career readiness. Pursuant to Education Code 76004, as amended by SB 586 (Ch. 529, Statutes of 2019), the Board must present, invite public input, and take action on the proposed agreement at an open Board meeting.

As a condition of adopting a CCAP agreement which provides for CTE pathways, Education Code 76004, as amended by SB 586, requires the Board and the governing board of the community college district to consult with and consider input from the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs.

For further information about CCAP requirements, see the accompanying administrative regulation.

The Board may enter into a College and Career Access Pathways (CCAP) partnership agreement with the board of a community college district for the purpose of offering or expanding dual enrollment opportunities for students. The agreement shall be approved at an open public Board meeting, with an opportunity for public input

## CONCURRENT ENROLLMENT IN COLLEGE CLASSES (continued)

provided prior to the Board taking action. If the CCAP agreement provides for CTE pathways, the Board shall consult with and consider input from appropriate local workforce board(s) to determine the extent to which the pathways are aligned with regional and statewide employment needs. (Education Code 76004)

### Program Evaluation

Note: The following **optional** section should be revised to reflect indicators agreed upon by the Board and Superintendent for evaluating the district's program.

The Superintendent or designee shall regularly report to the Board regarding the number **and demographics** of district students participating in the concurrent enrollment option, their success in completing **in college preparatory courses ("a-g" courses) and** postsecondary courses, and any impact on their achievement in district courses **and graduation rates**.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

### Legal Reference:

#### EDUCATION CODE

**11300-11302 Early and middle college high schools**

**42238.02 Definition of unduplicated student**

**46141 Minimum day, high school**

46145-46147 Minimum day, high school

48800-48802 Enrollment of gifted students in community college

51225.3 Alternative means of satisfying graduation requirements

**52620 Adult education and attendance at community college**

~~76000-76002~~ **76004 Enrollment in community college**

**76140 No community college fee/tuition for special part-time students**

**87010 Definition of sex offense**

**87011 Definition of controlled substance offense**

### Management Resources:

#### WEB SITES

California Community Colleges **System**: <http://www.cccco.edu>

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

California Postsecondary Education Commission: <http://www.cpec.ca.gov>

California State University: <http://www.calstate.edu>

Foundation for California Community Colleges, **Early College High School Initiative**:

~~<http://www.foundationccc.org/ECHS>~~ <https://foundationccc.org>

University of California: <http://www.universityofcalifornia.edu>

7/08 (3/20)

### Policy Reference UPDATE Service

Copyright 2020 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

# CSBA Sample Administrative Regulation

Instruction

AR 6172.1(a)

## CONCURRENT ENROLLMENT IN COLLEGE CLASSES

### Credit

Note: Pursuant to Education Code 48800 48802 and 76001 76002, and as a result of the repeal of 5 CCR 1630 in 2005, the district has discretion to determine whether to grant credit for completion of postsecondary courses; see the accompanying Board policy. Education Code 51225.3 authorizes the Governing Board to grant credit for such postsecondary courses as an alternative means of satisfying high school graduation requirements. See BP 6146.11 - Alternative Credits Toward Graduation. Pursuant to Education Code 48800, 76001, and 76003, a student shall receive credit for community college courses that the student completes at the level determined appropriate by the Board and the governing board of the community college district.

Pursuant to Education Code 76004, a special part-time student participating in a College and Career Access Pathways (CCAP) partnership agreement may enroll in up to 15 units per term if specified circumstances are satisfied. See the section "College and Career Access Pathways Partnerships" below.

Unless enrolled as part of a College and Career Access Pathways (CCAP) partnership agreement in which students are authorized to take up to 15 units per term in a community college, as described below, district students enrolled in a community college as special part-time students may enroll in up to 11 units per semester, or the equivalent, in a community college. Such students shall receive credit for community college courses that they complete in an amount jointly determined appropriate by the district and the community college governing board. (Education Code 48800, 76001, 76004)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: According to the California Department of Education, concurrent enrollment requires an agreement between the parties on appropriate forms provided by the postsecondary institution. The following optional paragraph may be revised to reflect district practice.

A written agreement regarding the student's enrollment in postsecondary courses and the credits to be awarded for successful completion shall be signed by the student, parent/guardian, principal, and college representative. The student shall be informed whether the credits to be earned are considered academic credits or elective credits, whether the credits count towards high school graduation requirements, and whether the course would need to be completed again during the college years to satisfy college graduation requirements.

To receive district credit for coursework completed at a community college or four-year college, the student or parent/guardian shall submit a transcript showing completion of the course with a passing grade.

**CONCURRENT ENROLLMENT IN COLLEGE CLASSES** (continued)

*(cf. 5125 - Student Records)*

**College and Career Access Pathways Partnerships**

**Note:** The following optional section is for districts that have entered into a CCAP agreement with the board of a community college district. For further information about approval of the CCAP agreement, see the accompanying Board policy.

**The district may enter into a CCAP agreement, in accordance with Education Code 76004, which includes terms regarding course offerings, student eligibility, protocols for sharing information, joint facilities use, and staff qualifications.**

**A copy of the CCAP agreement shall be filed with the Office of the Chancellor of the California Community Colleges and with the California Department of Education before the start of the agreement. (Education Code 76004)**

**Only courses that provide career technical education or preparation for transfer, assist in improving high school graduation rates, or help high school students achieve college and career readiness shall be offered, and physical education courses shall not be provided. (Education Code 76004)**

**Students may enroll in up to 15 units of community college courses per term if all of the following circumstances are satisfied: (Education Code 76004)**

- 1. The units constitute no more than four community college courses per term.**
- 2. The units are part of an academic program that is part of a CCAP agreement.**
- 3. The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.**

**Note:** As amended by AB 30 (Ch. 510, Statutes of 2019). Education Code 76004 requires only one parental consent and principal recommendation for the duration of the student's participation.

**A high school student shall submit one parental consent form and principal recommendation for the duration of the student's concurrent enrollment under a CCAP partnership. (Education Code 76004)**

**The district shall report information annually to the office of the Chancellor of the California Community Colleges as specified in Education Code 76004.**

**Minimum School Day**

~~Except under the conditions specified in Education Code 46146, †~~The minimum day of attendance in district schools shall be 180 minutes for any student who is enrolled part-time

**CONCURRENT ENROLLMENT IN COLLEGE CLASSES** (continued)

in a community college and any student in grades 11-12 who is enrolled part-time in the California State University or University of California, when the student is enrolled in classes for which academic credit will be provided upon satisfactory completion of enrolled courses. (Education Code 46146, 48801)

*(cf. 6112 - School Day)*

A student enrolled full-time at a community college shall be exempted from full-time attendance in the district's regular education program. (Education Code 48800.5)

*(cf. 5112.1 - Exemptions from Attendance)*

However, both part-time and full-time community college students shall be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law. (Education Code 48800.5, 48801)

**Community College Classes on High School Campus**

Note: The following **optional** section is for use by districts that maintain high schools. Education Code 76002 details criteria that must be satisfied before the community college district can claim state apportionment for high school students, including the fact that any community college class offered on a high school campus cannot be held during the time the campus is closed to the general public, as defined by the Board at a regularly scheduled meeting. **The Board should adopt a resolution or policy language specifying the time periods at which community college classes may be offered and open to the general public. Boards that adopt such a resolution or policy should establish procedures for members of the general public who are enrolled in community college classes to register immediately upon entering school buildings or grounds, and may want to review their policies regarding visitors to campus, student and staff safety, and campus security, including BP/AR 0450 - Comprehensive Safety Plan, BP/AR 1250 - Visitors/Outsiders, BP/AR 3515 - Campus Security, BP/AR 4157/4257/4357 - Employee Safety, and BP/AR 5142 - Safety.**

If a community college class is to be offered at a district high school campus, the class shall ~~not be held during the time the campus is closed to the general public.~~ (Education Code 76002)

**be held during the time the campus is open to the general public as determined by the Governing Board. Members of the public who are enrolled in community college class(es) shall register immediately upon entering school buildings or grounds.**

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515 - Campus Security)*

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

*(cf. 5142 - Safety)*

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

Attachments:   X  

From: Elizabeth Keema-Aston

Item Number:   12  

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

**SUBJECT:**

Approve Resolution #787 Authorizing FY 2019-20 expenditures from Education Protection Act Funds (Proposition 30)

**BACKGROUND:**

Voter approval in November 2012 of Proposition 30 made changes in the ongoing allocation of State financial allocations of funding to K-12 school districts. The Education Protection Act (EPA) requires that governing boards annually approve the expenditure of this portion of ongoing State funding by resolution.

In May 2019, this Board authorized the expenditure of PY 2018-19 EPA funding for employee salary and benefit expenses, excluding any administrative costs. At that time the amount of PY 2018-19 EPA funding provided was \$511,694.

In March 2020, CDE published revised calculations for EPA funding for PY 2018-19 and FY 2019-20. As a result the EPA funding was increased for PY 2018-19 by \$187,539 bringing the entitlement to \$699,233.

For the current year, FY 2019-20, our EPA award was \$376,676. To capture the adjustment in EPA funding of PY 2018-19, the current year EPA award is increased to a net amount of \$564,215.

Overall State LCFF revenues (including local property taxes) have been reviewed and a determination made that there is no net significant change to district revenues as a result of the adjustment in EPA entitlements.

**STATUS:**

Staff prepared a Resolution for Board Action to authorize EPA expenditures for FY 2019-20

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT: N/A**

**COST AND FUNDING SOURCES: N/A**

**RECOMMENDATION:**

That the Board approves Resolution #787 to authorize FY 2019-20 expenditure of EPA funds in the revised award amount of \$ 564,215 and that this information be posted on the district website in accordance with legal requirements.

Time allocated: 5 minutes



**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
RIVER DELTA UNIFIED SCHOOL DISTRICT REGARDING  
THE EDUCATION PROTECTION ACCOUNT – 2019-20**

**RESOLUTION NO. 787**

**WHEREAS**, the voters approved Proposition 30 on November 6, 2012;

**WHEREAS**, Proposition 30 added Article XIII, Section 36 to the California Constitution effective November 7, 2012;

**WHEREAS**, the provisions of Article XIII, Section 36(e) create in the state General Fund an Education Protection Account to receive and disburse the revenues derived from the incremental increases in taxes imposed by Article XIII, Section 36(f);

**WHEREAS**, before June 30<sup>th</sup> of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds that will be derived from the incremental increases in tax rates made pursuant to Article XIII, Section 36(f) that will be available for transfer into the Education Protection Account during the next fiscal year;

**WHEREAS**, if the sum determined by the State Controller is positive, the State Controller shall transfer the amount calculated into the Education Protection Account within ten days preceding the end of the fiscal year;

**WHEREAS**, all monies in the Education Protection Account are hereby continuously appropriated for the support of school districts, county offices of education, charter schools and community college districts;

**WHEREAS**, monies deposited in the Education Protection Account shall not be used to pay any costs incurred by the Legislature, the Governor or any agency of state government;

**WHEREAS**, a community college district, county office of education, school district, or charter school shall have the sole authority to determine how the monies received from the Education Protection Account are spent in the school or schools within its jurisdiction;

**WHEREAS**, the governing board of the district shall make the spending determinations with respect to monies received from the Education Protection Account in open session of a public meeting of the governing board;

**WHEREAS**, the monies received from the Education Protection Account shall not be used for salaries or benefits for administrators or any other administrative cost;

**WHEREAS**, each community college district, county office of education, school district and charter school shall annually publish on its Internet website an accounting of how much money was received from the Education Protection Account and how that money was spent;

**WHEREAS**, the annual independent financial and compliance audit required of community college districts, county offices of education, school districts and charter schools shall ascertain and verify whether the funds provided from the Education Protection Account have been properly disbursed and expended as required by Article XIII, Section 36 of the California Constitution;

**WHEREAS**, expenses incurred by community college districts, county offices of education, school districts and charter schools to comply with the additional audit requirements of Article XIII, Section 36 may be paid with funding from the Education Protection Act and shall not be considered administrative costs for purposes of Article XIII, Section 36.

**NOW, THEREFORE**, be it resolved, determined and ordered by the Board of Trustees of the River Delta Unified School District as follows:

1. The monies received from the Education Protection Account shall be spent as required by Article XIII, Section 36 and the spending determinations on how the money will be spent shall be made in open session of a public meeting of the governing board of River Delta Unified School District;
2. In compliance with Article XIII, Section 36(e), with the California Constitution, the governing board of the River Delta Unified School District has determined to spend the monies received from the Education Protection Act on current certificated teacher salaries and benefits.

**PASSED AND ADOPTED** this day, May 12, 2020 by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_  
ABSTENTIONS: \_\_\_\_\_  
ABSENT:

**IN WITNESS WHEREOF**, I, Marilyn Riley, Clerk of the Board of Trustees of the River Delta Unified School District of Sacramento County, California, certify that the foregoing is a full, true, and correct copy of Resolution No. 787 adopted by the said Board at a Regular Business meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

\_\_\_\_\_  
Marilyn Riley, Clerk  
Board of Trustees  
River Delta Unified School District

\_\_\_\_\_  
Date

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

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

From: Marcy Rossi, Principal, Riverview Middle School

Item Number: 13\_\_\_\_\_

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

**SUBJECT:**

Request approval for two new elective classes at Riverview Middle School: History Enrichment and STEM Coding.

**BACKGROUND:**

With the movement of 6<sup>th</sup> grade over to DH White Elementary, our History and Science teachers have an extra period in their day to teach enrichment. In our initial survey of students, there was interest in both History Enrichment and Coding. Both classes will have an emphasis on writing and problem solving.

**STATUS:**

New courses require Board approval.

**PRESENTER:**

Marcy Rossi, Principal, Riverview Middle School

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Nicole Latimer, Director of Educational Services and Special Education

**COST AND FUNDING SOURCES:**

Five-day Code.org online training for science teacher through Sac County Office of Ed June 22-26, 2020. Training and materials are free. The only cost would be hourly pay. (\$30 X 6 hours x 5 days = \$900)

01-0000-0-1103-222-11100-1000 \$600

01-0740-0-1103-222-1110-1000 \$300

**RECOMMENDATION:**

That the Board approves these new elective courses: History Enrichment and STEM Coding for Riverview Middle School.

Time allocated: 3 minutes

**River Delta Unified School District  
NEW COURSE APPROVAL REQUEST  
COURSE OF STUDY OUTLINE**

Department: History

Course Title: History Enrichment

GRADE LEVEL: 7<sup>th</sup> and 8<sup>th</sup>

COURSE LENGTH: Full school year

NUMBER OF CREDITS: 5 (?)

**COURSE DESCRIPTION:**

This class focuses on historical and social science analysis skills that are a part of history and social standards. These skills cover the following:

- Chronological and spatial thinking
- Research and evidence
- Historical interpretation and point of View

These analysis skills will be addressed through topics that are connected to the 7<sup>th</sup> and 8<sup>th</sup> grade history standards. These include but are not limited to women of the Middle Ages, Japanese samurai, the kings of Sub-Saharan Africa, the Crusades, the electoral college and the Presidency, the forming of the U.S. national bank, the U.S war with Mexico, civilians during the U.S. Civil War, child labor in the late 1800s.

The major activities in the class will include the following.

- Analyzing primary sources.
- Participating in collaborative study groups to practice analysis skills.
- Historical debates by assuming a historical identity or point of view.
- Various projects, such as timelines, museum displays, posters that will be presented in class.

**RATIONALE:**

In the traditional 7<sup>th</sup> and 8<sup>th</sup> grade history classes, the historical content – the medieval and early modern world (7<sup>th</sup> grade) or 19<sup>th</sup> Century America (8<sup>th</sup> grade) -- drives the curriculum. The analysis skills are part of the class, but they don't direct the content. In this class, the analysis skills will be the focus. Historical topics will be used that are especially useful in understanding or developing specific skills. For example, in the

area of evidence and point of view the class will take the role of Renaissance writer Machiavelli and solve problems using ideas from Machiavelli's *The Prince*. Students will debate the United States' war with Mexico by taking the perspectives of people who supported the war (to expand the U.S. and increase trade with Asia) and people who opposed the war (the U.S. had invaded Mexico; it was a war to expand slavery).

#### RESOURCES:

The class will use historical topics that connect to the 7<sup>th</sup> and 8<sup>th</sup> grade history curriculum. The activities will be ones developed by the Teacher's Curriculum Institute (TCI), the DBQ Project, and the History Project at UC Davis.

**River Delta Unified School District  
NEW COURSE APPROVAL REQUEST  
COURSE OF STUDY OUTLINE**

Department: Science  
Course Title: STEM Elective - Coding  
GRADE LEVEL: 7<sup>th</sup>/8<sup>th</sup>  
COURSE LENGTH: Full school year  
NUMBER OF CREDITS: 5 (?)

**COURSE DESCRIPTION:**

Code.org’s Computer Science Discoveries is an introductory computer science course written using both the K-12 Framework for Computer Science and the California Science Teacher Associations standards. The course takes a wide lens on computer science by covering topics such as problem solving, programming, physical computing, user centered design, and data, while inspiring students as they build their own websites, apps, animations, games, and physical computing systems.

**Semester 1 - Exploration and Expression**

The first semester of CS Discoveries introduces students to computer science as a vehicle for problem solving, communication, and personal expression. As a whole, this semester focuses on the visible aspects of computing and computer science, and encourages students to see where computer science exists around them and how they can engage with it as a tool for exploration and expression.

<b>Unit 1: Problem Solving and Computing</b>	Students learn the problem-solving process, the input-output-store-process model of a computer, and how computers help humans solve problems. Students end the unit by proposing their own app to solve a problem.
<b>Unit 2: Web Development</b>	Students learn to create websites using HTML and CSS inside Code.org’s Web Lab environment. Throughout the unit, students consider questions of privacy and ownership on the internet as they develop their own personal websites.

**Unit 3:  
Animations and  
Games**

Students learn fundamental programming constructs and practices in the JavaScript programming language while developing animations and games in Code.org's Game Lab environment. Students end the unit by designing their own animations and games.

**Semester 2 - Innovation and Impact**

Where the first semester centers on the immediately observable and personally applicable elements of computer science, the second semester asks students to look outward and explore the impact of computer science on society. Students will see how a thorough user-centered design process produces a better application, how data is used to address problems that affect large numbers of people, and how physical computing with circuit boards allows computers to collect input and return output in a variety of ways.

<p><b>Unit 4: The Design Process</b></p>	<p>Students apply the problem solving process to the problems of others, learning to empathize with the needs of a user and design solutions to address those needs. During the second half of the unit, students form teams to prototype an app of their own design, first on paper and eventually in Code.org's App Lab environment.</p>
<p><b>Unit 5: Data and Society</b></p>	<p>Students explore different systems used to represent information in a computer and the challenges and tradeoffs posed by using them. In the second half of the unit, students learn how collections of data are used to solve problems and how computers help to automate the steps of this process.</p>
<p><b>Unit 6: Physical Computing</b></p>	<p>Students use Code.org's App Lab environment, in conjunction with the Adafruit Circuit Playground, to explore the relationship between hardware and software. Throughout the unit, students develop prototypes that mirror existing innovative computing platforms, before ultimately designing and prototyping one of their own.</p>

**RATIONALE:**

Coding or computer programming is writing a set of instructions that a computer understands so it will perform a task. There are several advantages of learning to code. First, learning programming empowers students. Coding puts children in control of the computer and through experimentation builds mastery in sequencing skills, counting, problem solving, logical thinking, cause and effect, and critical thinking. Additionally, children can express themselves through code and find it cool to create games, apps, and websites and to even control robots.

## RESOURCES:

The class will use the Code.org's curriculum *Computer Science Discoveries*. Activities in the curriculum include



# Welcome to Coding!

What can you expect from this class? This course is designed to help you learn some basic computer programming/real-world computer programming skills. We will be using the Computer Science Discoveries from Code.org. This course covers topics such as problem solving, programming, physical computing, user centered design, and data. Students will build their own websites, apps, animations, games, and physical computing systems.

The course is divided into 3 units each semester:

## Semester 1 Exploration and Expression

Unit 1: Problem Solving and Computing

Unit 2: Web Development

Unit 3: Animations and Games

## Semester 2 Innovation and Impact

Unit 4: The Design Process

Unit 5: Data and Society

Unit 6: Physical Computing

## Supplies

You will be asked to have the following materials **daily**:

- ◆ A notebook or section in your binder for taking notes.
- ◆ **pencils** or erasable pen.

You will be expected to keep a well-organized binder. Having your papers in order will enable you to see the sequence of skills you are mastering. You will also be given a Chromebook to work on during class time.

## Class Rules

1. Respect the rights of others.
2. Limit talking to work times and stay on task.
3. When class starts, have your supplies out and ready for class.
4. Use paper for writing, not desktops.
5. Food, drinks or water are NOT allowed in class since we are using computers on a daily basis.
6. You and your parent/guardian must sign and return the Chromebook Rules/Agreement form.

**Print Student Name:** \_\_\_\_\_

Signatures: Student \_\_\_\_\_ Parent/Guardian \_\_\_\_\_

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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2019

Attachments: X

From: Nicole Latimer, Director of Education Services  
& Special Education

Item Number: 14

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

**SUBJECT:**

Request to approve the Special Education Local Plan Agency (SELPA) Certification Agreement to State & Federal Assurances

**BACKGROUND:**

In accordance with federal and state laws and regulations, the Sacramento County SELPA certifies that this plan has been adopted by the local board of Sacramento County SELPA and is the basis for the operation and administration of special education programs, and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and implementing regulations under 34 *Code of Federal Regulations*, Parts 300 and 303, 29 U.S.C. 794, 705 (20), 794- 794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the California *Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the *California Code of Regulations*.

**STATUS:**

The Superintendent of the Sacramento County SELPA shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the Superintendent the River Delta Unified School District ensures that policies and procedures covered by this assurance statement are on file at the River Delta Unified School District office and website and the Sacramento County SELPA office and website and are available to any interested party.

**PRESENTER:**

Nicole Latimer, Director of Educational Services and Special Education

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Staff

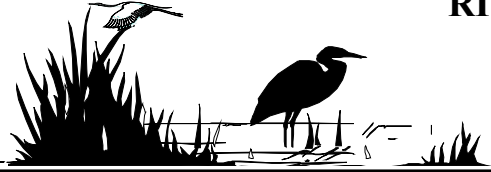
**COST AND FUNDING SOURCES:**

No cost to the district

**RECOMMENDATION:**

That the Board reviews the Sacramento County SELPA Local Education Agency (LEA) Assurances and adopts the **Special Education Local Plan Agency (SELPA) Certification Agreement to State & Federal Assurances**

Time allocated: 3 minutes



**RIVER DELTA UNIFIED SCHOOL DISTRICT**

**445 Montezuma Street**

**Rio Vista, California 94571-1651**

**(707) 374-1700 Fax (707) 374-2995**

---

**SACRAMENTO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA  
LOCAL EDUCATION AGENCY (LEA) ASSURANCES**

**1. FREE APPROPRIATE PUBLIC EDUCATION (20 USC § 1412 (a)(1))**

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

**2. FULL EDUCATIONAL OPPORTUNITY (20 USC § 1412 (a)(2))**

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non-disabled pupils.

**3. CHILD FIND (20 USC § 1412 (a)(3))**

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

**4. INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) (20 USC § 1412 (a)(4))**

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

**5. LEAST RESTRICTIVE ENVIRONMENT (20 USC § 1412 (a)(5))**

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

**6. PROCEDURAL SAFEGUARDS (20 USC § 1412 (a)(6))**

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

**7. EVALUATION (20 USC § 1412 (a)(7))**

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

**8. CONFIDENTIALITY (20 USC § 1412 (a)(8))**

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

**9. PART C, TRANSITION (20 USC § 1412 (a)(9))**

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

#### **10. PRIVATE SCHOOLS (20 USC § 1412 (a)(10))**

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

#### **11. LOCAL COMPLIANCE ASSURANCES (20 USC § 1412 (a)(11))**

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

#### **12. INTERAGENCY (20 USC § 1412 (a)(12))**

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

#### **13. GOVERNANCE (20 USC § 1412 (a)(13))**

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

**14. PERSONNEL QUALIFICATIONS (20 USC § 1412 (a)(14))**

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the CDE about staff qualifications.

**15. PERFORMANCE GOALS & INDICATORS (20 USC § 1412 (a)(15))**

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

**16. PARTICIPATION IN ASSESSMENTS (20 USC § 1412 (a)(16))**

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

**17. SUPPLEMENTATION OF STATE/FEDERAL FUNDS (20 USC § 1412 (a)(17))**

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds those funds.

**18. MAINTENANCE OF EFFORT (20 USC § 1412 (a)(18))**

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

**19. PUBLIC PARTICIPATION (20 USC § 1412 (a)(19))**

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

**20. RULE OF CONSTRUCTION (20 USC § 1412 (a)(20))**  
(Federal requirement for State Education Agency only)

**21. STATE ADVISORY PANEL (20 USC § 1412 (a)(21))**  
(Federal requirement for State Education Agency only)

**22. SUSPENSION/EXPULSION (20 USC § 1412 (a)(22))**

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

**23. ACCESS TO INSTRUCTIONAL MATERIALS (20 USC § 1412 (a)(23))**

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

**24. OVERIDENTIFICATION AND DISPROPORTIONALITY (20 USC § 1412 (a)(24))**

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

**25. PROHIBITION ON MANDATORY MEDICINE (20 USC § 1412 (a)(25))**

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

**26. DISTRIBUTION OF FUNDS (20 USC § 1411(e),(f)(1-3))**  
(Federal requirement for State Education Agency only)

**27. DATA (20 USC § 1418 a-d)**

It shall be the policy of this LEA to provide data or information to the California Department of Education that may be required by regulations.

**28. READING LITERACY (State Board requirement, 2/99)**

It shall be the policy of this LEA that in order to improve the educational results for students with disabilities, SELPA Local Plans shall include specific information to ensure that all students who require special education will participate in the California Reading Initiative.

**29. CHARTER SCHOOLS (E.C. 56207.5 (a-c))**

It shall be the policy of this LEA that a request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district.



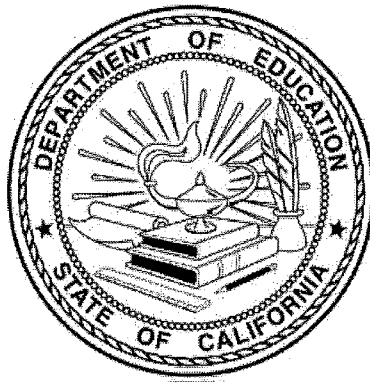
**SELPA** Sacramento County SELPA

**Fiscal Year** 2020-21

## **LOCAL PLAN**

### **Section B: Governance and Administration**

### **SPECIAL EDUCATION LOCAL PLAN AREA**



California Department of Education

Special Education Division

January 2020

SELPA Sacramento County SELPA

Fiscal Year 2020-21

### B. Governance and Administration

California *Education Code (EC)* sections 56195 et seq. and 56205

#### Participating Local Educational Agencies

Participating local educational agencies (LEAs) included in the Special Education Local Plan Area (SELPA) local plan must be identified in Attachment I.

#### Special Education Local Plan Area—Local Plan Requirements

1. Describe the geographic service area covered by the local plan:

**SACRAMENTO COUNTY SELPA: GOVERNANCE AND ADMINISTRATION  
GOVERNANCE 56205(a) 56195.1(c)(1)**

**B. 1 Describe the geographic service area covered by the local plan.**

The geographic service area covered by the Sacramento County SELPA Local Plan is comprised 9 members; 8 Local Education Agencies and the Special Education Programs provided through the Sacramento County Office of Education. The SELPA's 8 LEA's are comprised of: Arcohe Union Elementary, Center Joint, Elverta Joint, Galt Joint Union Elementary, Galt Joint Union High School, Natomas Charter, Robla Elementary School and River Delta Unified School Districts. These rural and metropolitan LEA's are represented below. The Sacramento County Office Special Education programs serve 719 students countywide 0-22 years of age, inclusive of the Sacramento County Infant program, and a continuum of programs for students with severe disabilities through students attending Court and Community Schools.

**Sacramento County SELPA Local Education Agencies' Enrollment & Location:**

**District / LEA Certified Enrollment / County Location**

Arcohe Union SD: Enrollment 455 students. County Location: Sacramento.

Center Joint Unified SD: Enrollment 4,229 students. County Locations: Sacramento, Placer.

Elverta Joint SD: Enrollment 301 students. County Locations: Sacramento, Placer.

Galt Joint Union SD: Enrollment 3,580 students. County Locations: Sacramento, San Joaquin.

Galt Joint Union High SD Enrollment 2,226 students. County Locations: Sacramento, San Joaquin.

Natomas Charter School Enrollment 1,822 students. County Location: Sacramento.

River Delta Unified SD Enrollment 2,354 students. County Locations: Sacramento, Yolo, Solano.

Robla SD Enrollment 2,315 students. County Location: Sacramento.

Sacramento COE Specialized Programs Serve 719 students. County Location: Sacramento.

**SACRAMENTO COUNTY SELPA Totals: 8 LEA's serving 17,282 LEA students.**

The governance of the Sacramento County Special Education Local Plan Area (SELPA) is exclusive of the following single district SELPAs which are also located within Sacramento County: San Juan USD, Sacramento City USD, Elk Grove USD, Folsom Cordova USD, Natomas USD and Twin Rivers USD. Each of these are independent and single-district SELPA's.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

2. Describe the SELPA regional governance and administrative structure of the local plan. Clearly define the roles and structure of a multi-LEA governing body, or single LEA administration as applicable:

**SACRAMENTO COUNTY SELPA GOVERNANCE & ADMINISTRATION**  
(SECTION B-1)

**Q. B. 2 Describe the SELPA regional governance and administrative structure of the local plan.**  
**Regional Governance and Administrative Structure** EC 56205(a); 56195.1(c)(1)

The function of the Sacramento County Special Education Local Plan Area (SELPA) is to provide a quality educational program appropriate to the needs of each eligible child with a disability, who resides within the Local Plan Area, and to those eligible individuals who are residents of other SELPAs who may be in need of services and who in accordance with the provisions of the annual budget plan of the cooperating Local Plan Area attend programs in this region. The following chart provides the visual representation of the Sacramento County SELPA's regional governance and administrative structure and may be used as a reference tool in response to the description of roles and structure of our multi-district SELPA.

**SELPA ADMINISTRATIVE STRUCTURE**  
EC 56205(a)(12)(D)(i); 56195.1(c)(1)

**I. LOCAL EDUCATION AGENCIES (LEA)**

- Boards of Education, District/County
- LEA Superintendents
- LEA Special Education Administrators

**II. SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

- SELPA Superintendents' Council
- SELPA Operations Council
- SELPA Community Advisory Committee (CAC)

SELPA Sacramento County SELPA

Fiscal Year 2020-21

**III. ADMINISTRATIVE UNIT**

- County Office, Board & Services
- County Superintendent, RLA
- SELPA Director

**I. LOCAL EDUCATION AGENCIES (LEA)**

- District Boards of Education
- LEA Superintendents
- LEA Special Education Administrators

**District Governing Boards of Education**

The Governing Boards of SELPA LEAs shall adopt policies and procedures for special education programs and services provided in the SELPA. Such policies and procedures shall include but not be limited to all areas required by the Education Code. The LEA Governing Boards will determine and be responsible for, special education programs and related services offered in their district, as well as for special education curriculum decisions. Each LEA Board, by certification of the Local Plan, assures equal access to appropriate assurances and procedures and will review and approve revisions to the Sacramento County SELPA Local Plan. By approving the Local Plan, the LEA Governing Board enters into an agreement with the other local education agencies participating in the plan, for the provision of services and programs.

The governing boards exercise authority over the programs they directly maintain consistent with the Local Plan for the SELPA and individual district policies. They shall be fiscally accountable for special education programs operated by their agency. EC 56195.5 (a) This applies to all Charter Schools that are chartered by LEAs located within the member LEAs of the Sacramento County SELPA. All approved charter schools will be deemed public schools within the chartering entity unless the charter has been deemed an LEA in accordance with Sacramento County SELPA Charter School Policy (Section 9).

**Additional responsibilities of the LEA/Agency Governing Boards include but are not limited to:**

1. Participate in the Sacramento County SELPA by empowering their superintendent or designee to act as their agent in the approval and amendment of policies and procedures.
2. Hire competent staff for their special education programs.
3. Appoint members to the SELPA Community Advisory Council (CAC).
4. Review formal complaints forwarded by the LEA Superintendents, as outlined in the District's Uniform Complaint Procedures.
5. Address questions and concerns of the public, including parents or guardians of students with

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

disabilities who receive services under the Local Plan. EC 56205 (b)(4). Members of the public, including parents or guardians of students with disabilities having reached the age of majority, may address questions or concerns to the governing boards of the LEAs, the Superintendents' Council at any posted meeting.

- 6. Be responsible for all aspects related to due process, California Department of Education (CDE) complaints and Office of Civil Rights (OCR) complaints.
- 7. Be responsible for the development of policies and procedures related to Section 504.
- 8. Maintain a copy of SELPA policies and procedures in the LEA's Board Policies and Procedures Handbook.
- 9. Be responsible for maintaining links to the SELPA website with access to the Local Plan, the Allocation Plan and the Annual Service & Budget Plan report.

**LEA/DISTRICT SUPERINTENDENT**

The District Superintendents are responsible to their respective Boards of Education. They participate on the Superintendents' Coordinating Council and are responsible for approving policies for the operation of the Local Plan as well as the assurance that a full continuum of services is available to all students with disabilities for whom they are responsible. Each Superintendent is responsible for their district's special education budget preparation. LEA Superintendents are responsible for the operation of programs and services within their district, as well as the maintenance and operation of the facilities for special education programs and services.

**LEA SPECIAL EDUCATION ADMINISTRATORS (Special Education Administrator, Program Specialist)**

**Special Education Director/Administrator**

Any reference to LEA Special Education Director will refer to the person assigned to act as the lead special education director for an LEA providing special education programs and services for students. The function of each LEA Special Education Director is to provide leadership in the development, implementation, evaluation and improvement of special education programs and services within the LEA. The LEA member of the SELPA Operations Council, a special education or other administrator, is appointed by the Superintendent. The LEA Special Education Administrator is also expected to work cooperatively with other LEAs and Districts to plan and coordinate educational programs and services for students with disabilities within the SELPA. The Special Education Administrator will facilitate communication between the CAC representative(s) and other community and parent groups.

**Program Specialist (56205 (a)(12)(B)**

Program Specialists' support services shall be available to all students with disabilities, their families and district staff. A Program Specialist possesses (or is eligible for) at least one of the following California credentials: Education Specialist, Speech-Language Pathologist/Other Clinical Services, Health Services or Education Psychology authorization and has advanced training and related experience in the education of students with disabilities and a specialized in-depth knowledge in infant, preschool, K-22, career vocational development or one or more areas of major disabling conditions. 56368(a)

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

The services of any SELPA Program Specialist employed by the Administrative Unit (AU) shall be allocated annually by mutual agreement of the SELPA Director/Administrator and the Superintendents' Coordinating Council and responsible to the SELPA Director.

Program Specialists employed by the LEA for service to the LEA are responsible to the District Administrator.

**II. SPECIAL EDUCATION LOCAL PLAN AGENCY (SELPA) 56205 (a)(12)(A)**

Superintendents' Coordinating Council

Operations Council

Community Advisory Committee

**Superintendents' Coordinating Council (SCC)**

The Superintendents' Coordinating Council (SCC), is composed of a Superintendent or designee representing each of the SELPA LEAs. Each LEA member of the SCC shall be allocated a single vote in voting on motions and/or consensus discussions. With prior written notification to the Chair, Vice Chair, SELPA Administrator, a superintendent may participate via telecommunication. Half of the voting members shall constitute a quorum for the purposes of taking a vote. Approval on any action requires a simple majority of the quorum voting.

As the representative of the SELPA's Governing Body, the County Superintendent shall be the Chairperson of the SCC. An elected Superintendent from the SCC shall serve as the Vice President and facilitate the meeting agenda. The SELPA Director will develop the meeting agenda with requests from members and previous business.

The SCC shall act to establish operational procedures and make decision on any matters regarding administration and operation of special education programs in accordance with the intent of the Local Plan. The SCC meets at least quarterly. Workgroup meetings may be held to deepen an understanding of specific SELPA issues such as budget study.

1. The SCC will approve operational decisions in the SELPA such as but not limited to the following:
2. Review and approve priority modifications of the local plan annually and in a full review format triennially to determine any necessary change. Amendments approved in this manner shall become permanent upon subsequent approval by the LEA Governing Boards during the Annual Service and Budget Plan process through CDE/SBE.
3. Approve SELPA policies and procedures upon behalf of their respective annual governing boards to ensure compliance by districts within the Local Plan, state and federal laws and regulations. Each member shall assume the responsibility for communication and presentation the adopted policies and procedures to their respective governing boards.
4. Make decisions regarding the implementation, administration and operation of the special education programs and services in accordance with the Local Plan.
5. Approve all SELPA procedures required to implement Sacramento County SELPA policies.

SELPA 

Sacramento County SELPA
-------------------------

Fiscal Year 

2020-21
---------

6. Approve the SELPA Annual Service and Budget plans and any modifications.

**SUPERINTENDENTS' COORDINATING COUNCIL EXECUTIVE SUB-COMMITTEE**

The purpose of the Executive Sub-Committee is to provide an in-depth review of an issue to provide the SCC with a foundation for decisions. Examples include review of charter application; review of adoption of procedures, etc. The Sub-Committee does not provide a final decision; it provides recommendations for further discussion or action.

Membership will consist of 4 representatives from the SCC as well as the Superintendent of the RLA/Chair of the SCC. The SELPA Administrator shall act as secretary to the Executive Committee. A quorum shall be a simple majority when determining recommendations for SCC study and/or action. Each member has a single vote with no proxy representatives. Membership of the Executive Committee shall be on a rotating basis for 3 years with approximately 1/3 of the membership appointed annually by the Superintendents' Coordinating Council. The current Vice Chair of the SCC will serve the following 3 years on the Executive and Coordinating Council Committees.

**SELPA OPERATIONS COUNCIL 56195.1(B)(1)**

The SELPA Operations council (Ops) is an advisory committee which advises the Superintendents' Coordinating Council on areas of concern which will impact each LEA. The Operations council develops procedures and recommendations regarding implementation, administration and operation of special education programs for action by the Superintendents' Coordinating Council.

Operations Council is composed of one voting member from each SELPA LEA and shall meet at least 8 months annually unless otherwise recommended by the Ops council. The SELPA Director acts as the chairperson of the Operations Council. An Ops elected member from Ops serves as the Vice Chair and helps develop the agenda as well as facilitates. The SELPA director is responsible for providing timely written of the meeting and agenda, minutes for the meeting and additional documentation to provide for informed decision making by the members of Operations Council. Minutes are taken by secretarial staff and voted upon in the following monthly meeting.

**SELPA COMMUNITY ADVISORY COMMITTEE (CAC) 56205(a) (12) (C)**

**CAC by-laws included in Section 6**

The members of the Community Advisory Committee shall be appointed by, and responsible to, the governing board of each participating district/LEA or county office or any combination thereof participating in the SELPA. The CAC membership's provides appointment shall be in accordance with a locally determined selection process that is described in the CAC By-Laws. Where appropriate, this procedure shall provide for selection of the representatives of groups specified in Section 56192 by their peers. Such procedures shall provide that terms of appointment are for at least two years and are annually staggered to ensure that no more than one half of the membership serves the first year of the term in any one year.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

The CAC shall be composed of parents of students with disabilities enrolled in public or private schools, parents of students enrolled in school, students and adults with disabilities, general and special education teachers/other personnel representatives and other private agencies concerned with the needs of students with disabilities. The majority of CAC shall be composed of parents of students enrolled in schools participating in the Local Plan Area. A majority of such students shall be parents of students with disabilities.

The CAC shall have the authority and fulfill the responsibility that are defined in its By-Laws which are included in the Local Plan. The CAC responsibility shall include, but not need to be limited to all of the following:

1. Provide ongoing input from the CAC to the Operations Council and maintain communication with the leadership; policy and administrative entity of the LEA and SELPA
2. Recommend annual priority to be addressed by the CAC Plan
3. Assist in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan
4. Encouraging community involvement in the local plan
5. Support activities on behalf of the students with disabilities

**III. ADMINISTRATIVE UNIT**

County Office, Boards, Services

County Superintendent, Responsible Local Agency (RLA)

SELPA Administrator/Director

**ADMINISTRATIVE UNIT: COUNTY OFFICE BOARD AND SERVICES**

The Sacramento County Office of Education (AU) provides oversight to the Sacramento County SELPA meeting all requirements of state and federal laws, regulations and state policies, procedures and compliance to ensure that the Local Plan provides all students with disabilities who reside in the SELPA's geographic area will have access to appropriate special education programs and related services. Their certification and approval of the Local Plan follows the approval guidelines determined by the California Department of education. The County Office of Education provides advisory and direct services to members of the SELPA. Advisory services are inclusive of fiscal assistance for budget allocations; examples of Direct Services are specialized educational services for students with significant special education needs individually or in classroom format.



SELPA Sacramento County SELPA

Fiscal Year 2020-21

**ADMINISTRATIVE UNIT: COUNTY SUPERINTENDENT OF SCHOOLS AND THE SACRAMENTO COUNTY BOARD OF EDUCATION**

The County Superintendent of Schools and the County Board of Education serves as the Superintendent of the Responsible Local Agency and a member of the Administrative Unit.

The Superintendent ensures that the AU:

1. Coordinates Local Plan members and Fiscal Services for fiscal compliance inclusive of, allocation and distribution of funds. 56205(a)(12)(D)(ii)(II)
2. Employs staff to support the SELPA functions
3. Assists with coordination of Local Plan
4. Coordinates meetings of the Superintendents' Coordinating Council with the SELPA Administrator for ongoing coordination and implementation of work.

**AU: SELPA DIRECTOR/ADMINISTRATOR**

The fundamental role of the SELPA Administrator is to administer and coordinate the implementation of the Sacramento County Local Plan. The SELPA Administrator's role includes the provision of information, specific administrative services identified by the Superintendents' Coordinating Council, technical assistance and leadership. In cooperation with the Operations Council, the SELPA Administrator collaborates with the LEA's for the delivery of appropriate special education programs and services for the students with disabilities within the SELPA, representing the interests of the SELPA as a whole without promoting any particular local education agency's interest over the interest of the other agencies. 56205 (a)(12D)(ii)(III).

The AU shall be assisted in the hiring and selection process of the SELPA Administrator by the Superintendents' Coordinating Council. The SELPA Administrator is subject to the Administrative Unit's policies and procedures for day-to-day operations but receives direction from, and is responsible to, the SCC. The SELPA Administrator is evaluated by the AU Superintendent or Deputy Superintendent with input from the Superintendents' Coordinating Council.

**SELPA ADMINISTRATOR RESPONSIBILITIES:**

1. Advise the Superintendents' Coordinating Council as it relates to special education laws and issues.
2. Advise the Operations' Council as it relates to special education laws and issues. Develop content for meeting agendas. Work with Operations Council Steering Committee as needed.
3. Monitor compliance with federal and state laws and regulations regarding special education to ensure that procedural safeguards are in alignment. Work with LEAs individually and collectively to develop required compliance documentation and improvement plans. 56195.7(b)
4. Monitor the appropriate use of federal, state and local funds allocated for special education programs.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

- 56205 (a)(12)(D)(ii)(IV)
5. Prepare the state, federal and local reports as required with data from LEAs. 56195.7 (c)(2)
  6. Provide staff development opportunities for staff, parent and members of the CAC. 56197.7 (c)(2)
  7. Maintain and implement the SELPA Management Information System (CALPADS, SEIS) for the purpose of compliance, progress and research information. 56195.7 (c)(4)
  8. Maintain a systematic, legally and fiscally compliant Low Incidence program for students identified as meeting criteria for low incidence equipment. Review requests monthly with Operations Council. 56206 (a)(12)(c)
  9. Establish and promote the Community Advisory Committee as defined by education code and by-laws. Assist and participate in Community Advisory Committee activities and encourage parent involvement. Provide professional development to enhance and strengthen parent leadership with their LEA. Act as a liaison between the CC, the Operations and Superintendents' Coordinating Councils by sharing information and recommendations.
  10. Approve other agreements including, but not limited to inter-SELPA and interagency agreements.
  11. Assist with development of the Allocation Plan for the distribution of federal, state and local funds received for special education programs.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

3. Describe the SELPA's regional policy making process. Clearly define the roles of a multi-LEA governing body, or single LEA administration as applicable related to the policy making process for coordinating and implementing the local plan:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION

**Section B-2**

**Q 3. Describe the SELPA's Regional Policy Making Process. 56205 (a)(12)(D)(i); 56195.1 (c)(1) Define the roles of a multi-LEA governing body related to the policy making process for coordinating and implementing the local plan:**

Policy

The Sacramento County Office of Education is the Responsible Local Agency with the Superintendent of the County School Board as RLA Superintendent. The LEA Governing Boards of the Sacramento County Special Education Local Plan Area (SELPA) are responsible for the development and adoption of policies and procedures provided in the Sacramento County SELPA. The LEA members of the Operation and Superintendents' Councils will determine and are responsible for their special education programs' service delivery, decisions and district-level related services. At Any level of SELPA Governance, a request to determine whether changes in or the addition of a new policy or procedure may take place. As part of the SELPA Governance body, parent representatives from the Community Advisory Committee (CAC) will be informed for input and approval of Local Plan Changes.

Procedures

Each superintendent assumes responsibility for communication and presentation to their governing boards for decisions on behalf of their LEA and the SELPA. The Operations Council and SELPA Directors work with the Community Advisory Council to ensure that parents' needs and concerns are considered in the implementation and operation of the Local Plan is consistent and amended as needed.

The SELPA Director and the Operations Council informs the Superintendents' Council of any current policies, procedures and regulations for needed review and action towards the appropriate status of the Local Plan and its implementation. When no amendments are needed but attention to implement strategies are recommended, Operations Council reports to the Superintendents' Council.

At any level of SELPA governance, a request to determine whether changes in or the addition of a new policy or procedure may take place. As part of the governance process in the Local Plan representatives from the Community Advisory Committee will be informed for input and approval of Local Plan changes.

The SELPA Administrator and the Operations Council informs the Superintendents' Council of any current policies, procedures and regulations for needed review and action towards the appropriate status of the

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Local Plan and its implementation.

4. Clearly define the roles of the County Office of Education (COE) as applicable, and/or any other administrative supports necessary to coordinate and implement the local plan:

**Question 4**  
**CLEARLY DEFINE THE ROLES OF THE COUNTY OFFICE, AND OTHER ADMINISTRATIVE SUPPORTS TO COORDINATE AND IMPELMENT THE LOCAL PLAN.**

The SELPA Administrative Structure is interdependent in its work together to ensure that all members of the SELPA are supported in the development and implementation of the Local Plan. The Administrative Unit comprised of SELPA and County Office supports through the County Superintendent of Schools, the County Board of Education, the County Fiscal Services and the SELPA Director provides direct support to the SELPA LEA's in implementing of the Local Plan.

The County Superintendent and Sacramento County Board of Education represent the Administrative Unit of the SELPA with support from the SELPA Director and Associate Superintendent of the County Office of Education. The Administrative Structure for the SELPA requires input and provides continuous supports for the Local Plan through these groups:

- 1) Community Advisory Council
- 2) Operations Council
- 3) Fiscal Advisory Council
- 4) Superintendents Council
- 5) LEA Boards of Trustees

Their roles are also described in B-2.

5. Describe the policies and procedures of the SELPA that allow for the participation of charter schools in the local plan:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION  
(SECTION B-4)

**Q. B.5 DESCRIBE THE POLICIES AND PROCEDURES OF THE SELPA THAT ALLOW FOR THE PARTICIPATION OF CHARTER SCHOOLS IN THE LOCAL PLAN.**

Charter Schools participate in the Local Plan through an approved application which designates the charter as a Public School within a School District or County Office of Education or the charter has completed a successful application for SELPA entrance as an LEA within the SELPA.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

A. Public School Within a School District, or County Office of Education

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law. The chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students in the regular program.

The chartering entity will:

- Receive all applicable special education funds as specified in the SELPA allocation plan in accordance with the Sacramento County SELPA's AB602 funding model. A charter school will not be eligible for special education funds in excess of the amount of state and federal funds to which they would be entitled if they were operating as an independent school district.
- Represent the needs of the charter school in the SELPA's governance structure.
- Be responsible for ensuring that all eligible students enrolled in the charter school receive special education and designated instructional services in a manner consistent with applicable state and federal law.
- Be responsible for procuring and funding appropriate special education services wherever the student may reside. The chartering entity may contract for these services with public or private educational entities. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The chartering entity and the charter school may enter into agreements whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. Where the chartering entity is a district, the charter school should be held fiscally responsible for a fair share of any excess cost, not funded by state or federal resources, which would have an impact on district general funds and which are due to the requirement to provide special education services throughout the district.

B. Charter School As An LEA Within the SELPA

A charter school may apply to become an LEA for the provision of special education services. The SELPA Executive Committee will determine whether the charter school has provided the requisite assurances and satisfied the criteria for LEA status established by the SELPA. The application for a charter school will be the same as for any other LEA wishing to be a member of the SELPA. (E.C. §47645) Once granted LEA status, a charter school will participate in the same manner as other members in the governance of the SELPA.

Once deemed an LEA in the SELPA, the charter school district, county office of education, or charter school, like all other members of the SELPA, shall:

- Participate in governance of the SELPA in the same manner as other districts within the SELPA as specified in the SELPA local plan.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

- Participate in and receive regionalized and administrative services in the same manner as other districts within the SELPA.
- Receive state and federal funding for special education in the same manner as other districts within the SELPA and as specified in the SELPA allocation plan. Any available federal funds will be dispersed to a new charter school or LEA member, in the same manner as other members of the SELPA, one year in arrears and calculated based on applicable special education counts.
- Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction services, transportation, non-public school/ agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees.
- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities.
- Place special education students in programs administered by other SELPA members only with the expressed consent of the receiving entity.

**SACRAMENTO COUNTY  
SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)  
CHARTER SCHOOLS**

**POLICY:**

This policy applies to school districts, county offices of education and charter schools applying for membership with the Sacramento County Special Local Plan Area (SELPA).

The purpose of this policy is to clarify the relationship between local education agencies, charter schools, member agencies and to describe the procedures for applying for LEA status within the charter. This policy has the further purpose of assisting applicable charter schools and chartering districts that are members of the Sacramento County SELP with their individual and mutual responsibilities under the law. In addition, this policy has the purpose of assisting applicable charter schools And chartering agencies to meet the special education needs of all eligible charter schools and chartering agencies to meet the special education needs of all eligible students enrolled in applicable charter schools.

Reference:

- 20 USC 1413(a)
- 34 CFR 300.312
- E.D. §56145; 56207.5; 447605 (d)(1); 47647

SELPA Sacramento County SELPA

Fiscal Year 2020-21

**PROCEDURES: Charter Schools**

Consistent with their IEPs, students attending charter schools are to be considered for special education services in a similar manner to students enrolled in other public schools in accordance with E.C. §47646. Charter schools within the SELPA shall comply with all requirements of applicable state and federal law regarding the provision of special education services. A charter school may establish criteria specific to their program that applies to all applications. However, the Charter school shall not discriminate against any pupil in its admission criteria on the basis of disability.

Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual charter school. A member district reviewing the petition for the establishment or renewal of a charter school may not refuse to grant the petition solely because the charter school might enroll students with disabilities who reside in a SELPA other than the one in which the district is a member. (E.C. §47647)

Charter schools must delineate in writing the entity responsible for providing special education instruction and services. This document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This document must affirm that the district where the student resides, if different than the chartering entity, is not responsible for providing special education services to the students that are enrolled in the charter school. The sponsoring district is strongly advised to specify in the Memorandum of Understanding that the district will be indemnified for costs resulting from the provision of any services to students enrolled in the Charter School.

Prior to approval of a new charter school, or renewal of an existing charter school, the charter school petitioner(s) are required to consult with both the superintendent or designee of the chartering entity and the SELPA Director to ensure awareness of district and SELPA guidelines and timelines as they relate to special education. This provision shall also apply whenever material changes are made to a charter school.

**Categories of Charter Schools**

For the purposes of provision of special education services, a charter school shall be deemed either a public school within the chartering district or an LEA that receives funds and provides services independent of the chartering entity. In addition, a charter school that has been approved by the State Board of Education shall be deemed either a public school within the LEA to which the State Board of Education has delegated its supervisory and oversight responsibilities or a public school of the State Board of Education. All approved charter schools will be deemed public schools within a member district and will be treated in the same manner as any other public school of the member district until such time as the charter school obtains membership as an LEA of the SELPA.

**A. Public School Within a School District, or County Office of Education**

Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law. The chartering entity will determine

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students in the regular program.

The chartering entity will:

- Receive all applicable special education funds as specified in the SELPA allocation plan in accordance with the Sacramento County SELPA's AB602 funding model. A charter school will not be eligible for special education funds in excess of the amount of state and federal funds to which they would be entitled if they were operating as an independent school district.
- Represent the needs of the charter school in the SELPA's governance structure.
- Be responsible for ensuring that all eligible students enrolled in the charter school receive special education and designated instructional services in a manner consistent with applicable state and federal law.
- Be responsible for procuring and funding appropriate special education services wherever the student may reside. The chartering entity may contract for these services with public or private educational entities. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The chartering entity and the charter school may enter into agreements whereby the charter school agrees to pay for the excess costs associated with providing special education services to identified students, including the administration of special education programs. Where the chartering entity is a district, the charter school should be held fiscally responsible for a fair share of any excess cost, not funded by state or federal resources, which would have an impact on district general funds and which are due to the requirement to provide special education services throughout the district.

**B. Charter school As An LEA Within the SELPA**

A charter school may apply to become an LEA for the provision of special education services. The SELPA Executive Committee will determine whether the charter school has provided the requisite assurances and satisfied the criteria for LEA status established by the SELPA. The application for a charter school will be the same as for any other LEA wishing to be a member of the SELPA. (E.C. §47645) Once granted LEA status, a charter school will participate in the same manner as other members in the governance of the SELPA.

**Applying for LEA Status with the SELPA**

A school district, county office of education, or a charter school may apply to become a member of the SELPA for the provision of special education services. An applicant must request an application from the SELPA on or before January 1 of the school year preceding the school year in which the charter school or LEA anticipates operating as an LEA within the SELPA. The applicant must submit a completed application to the SELPA on or before March 15 of the school year preceding the school year in which the charter school or LEA anticipates operating as an LEA within the SELPA.

The SELPA Executive Committee will determine whether the applicant has provided the requisite assurances and satisfied the criteria for LEA status established by the SELPA.



Section B: Governance and Administration

SELPA 

Sacramento County SELPA
-------------------------

Fiscal Year 

2020-21
---------

An application for a charter school will be the same as for any other LEA wishing to be a member of the SELPA. (E.C. §47645) Once granted LEA status, the applicant will participate in the same manner as other members in the governance of the SELPA.

The applicant may be included as a member LEA of the SELPA if it is determined that the applicant has met the SELPA criteria, as well as meeting the requirements set forth in this policy and the Local Plan.

There requirements include:

- Provide assurances that all individuals with exceptional needs (ages birth to 22) shall have access to appropriate special education programs and services;
- Provide evidence to establish that the charter school/LEA receives adequate revenue to provide a full continuum of special education programs and related services including, but not limited to, instruction, services, transportation, non-public school/agency placements, inter/ intra SELPA placements, due process proceedings, complaints, and attorney fees.
- Provide assurances that each certificated employee is appropriately credentialed to serve in his/her assignment;
- Provide necessary staff as required to meet state and federal mandates;
- Follow all SELPA agreements, policies, and procedures;
- Utilize SELPA approved forms;
- Provide transportation as indicated on the student's IEP;
- Indemnify and hold harmless each of the member entities;
- Provide assurances that students will be instructed in a safe environment;
- Provide a copy of the charter school's original petition, as approved by its chartering entity, and any subsequently approved amendments to the petition (charter schools only);
- Provide assurances that they will comply with Section 504 and the Americans with Disabilities act (ADA) and that the facilities used by the charter school/LEA do not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program;
- Provide assurances that they will follow all federal and state laws regarding discipline and change of placement of special education students.

Once deemed an LEA, the charter school district, county office of education, or charter school, like all other members of the SELPA, shall:

- Participate in governance of the SELPA in the same manner as other districts within the SELPA as specified in the SELPA local plan.
- Participate in and receive regionalized and administrative services in the same manner as other districts within the SELPA.
- Receive state and federal funding for special education in the same manner as other districts within the SELPA and as specified in the SELPA allocation plan. Any available federal funds will be dispersed to a new charter school or LEA member, in the same manner as other members of the SELPA, one year in arrears and calculated based on applicable special education counts.

Section B: Governance and Administration

SELPA 

Sacramento County SELPA
-------------------------

Fiscal Year 

2020-21
---------

- Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction services, transportation, non-public school/ agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees.
- Document that all state and federal special education funds apportioned to the charter school are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities.
- Place special education students in programs administered by other SELPA members only with the expressed consent of the receiving entity.

Special education apportionment must be used solely for the purposes of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of federal, state, and local funds apportioned to school districts, county offices of education and/or charter schools for the provision of services.

Recommended Administrative Guidelines for Charter schools Policy

1. The Governing Board of each Sacramento County SELPA member LEA shall not approve a petition for creation of a charter school unless the petition contains adequate assurances that the proposed school will comply with all provisions of federal and state law related to the rights of students with disabilities and their parents. (Individuals with Disabilities Act).
2. The Governing Board shall require that a petition include the means by which the charter school intends to serve students with disabilities. This will include a statement regarding the intent of the charter school to be deemed an LEA or a public school within a school district for the purpose of providing special education services. It is strongly advised that the petition should indemnify the sponsoring district for the cost of services to be provided to any students enrolled in the charter school.
3. A charter school may purchase special education services from the SELPA, county, or any other appropriate source in order to provide the full continuum of placement options to students with disabilities. While the county office of education and school districts within the SELPA offer services to all eligible students whose parents reside within the geographic boundaries of the SELPA, services to students whose parents reside outside the SELPA's geographic area shall be individually negotiated. The county office of education, as well as districts within the SELPA, retain the right to bill for services provided to students attending charter schools whose parents reside outside the SELPA. Charter schools located outside of Sacramento County serving students who reside within the SELPA may not access any programs or services without specific written agreement between the charter school and the entity providing the service. Such services are not limited to educational services but may include extra-curricular activities and programs.
4. The petition shall contain assurances that no student will be denied admission to the charter school based on a disability or lack of available services; however, charter schools may establish criteria for admission related to their programming and instructional focus.
5. Prior to approving a charter school petition, the superintendent or designee of the charting entity shall consult with the SELPA Director regarding the provision of special education services to students enrolled in the prospective charter school.
6. The charter petition, or accompanying Memorandum of Understanding, shall address the

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

allocation of excess costs and/or the charter school's fair share of special education revenue or deficit on the district general fund.

7. The chartering entity (if the school is deemed a public school of the entity) or the charter school itself, if deemed an LEA, shall be responsible for ensuring that special education services are provided in accordance with the student's IEP.
8. Consistent with current practice within the SELPA, a charter school IEP team may place a student in a special education program provided by another educational entity (the COE or another district or SELPA) with the concurrence of the receiving entity. Upon such placement, the placing entity will be responsible for any supports and services needed by the student to benefit from the educational program, and such costs set forth in #3 above.
9. A district IEP team may place a student in a charter program only with the agreement between the educational entities (including the Chartering Agency) and with parental consent.
10. Upon mutual agreement between a charter school and a school district within the SELPA, a district may elect to purchase services from a charter school in order to meet the needs as specified on the IEP of a student enrolled in a district program.
11. The chartering entity will be allocated special education funds that are generated by a charter school that is deemed a public school, in compliance with the SELPA AB602 funding allocation plan and SELPA policies.
12. The chartering entity will represent the needs for charter schools that are deemed public schools in the SELPA governance structure as defined in the Local
13. Plan. The charter school will receive SELPA and regionalized services in the same manner as other schools within the chartering entity.
14. Charter schools that are deemed an LEA will be allocated special education funds in accordance with the Sacramento County SELPA's AB602 funding allocation plan.

**PROCEDURES AND DEADLINES  
TO APPLY FOR LEA MEMBER STATUS IN  
THE SACRAMENTO COUNTY SELPA**

A school district, county office of education, or a charter school may submit a written request to become an LEA member in the Sacramento County SELPA. The Sacramento County SELPA will provide the applicant with the application, which the applicant will complete and return to the Sacramento County SELPA. The Sacramento County SELPA will review the application and decide to approve or disapprove the application. The Sacramento County SELPA will not treat a request by a charter school to participate as an LEA in the Sacramento County differently from a similar request made by a school district or a county office of education. (Ed. Code §47645 and 56203.)

The following deadlines apply for an applicant wishing to join the SELPA as an LEA the following school year. During the application process, an applicant charter school will continue to be deemed a public school of the chartering district.

**Action Deadlines**

The applicant will submit a written request for the application to join the Sacramento County SELPA as a

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

LEA member by January 1.

The Sacramento County SELPA will provide an application to the requesting applicant by February 1.

The applicant will submit its completed application to the Sacramento County SELPA by March 15.

The Sacramento County SELPA Administrator and/or staff will review the application and develop a written recommendation by 30 days after receipt of application.

The applicant and members of the Council of Superintendents will receive copies of the written recommendation by 10 days prior to item appearing on agenda.

The Council of Superintendents will take action to approve or disapprove the applicant charter school as a LEA member by 60 days after receipt of application.

If approved, the applicant becomes an LEA member of the Sacramento County SELPA effective July 1 of the school year in which final approval was granted. Any available federal funds will be dispersed to a new LEA member in the same manner as other members of the SELPA, one year in arrears and calculated based on applicable special education counts.

If disapproved, the Sacramento County SELPA Administrator will provide the applicant with a written finding that delineates the reason(s) for disapproval.

6. Identify and describe the representation and participation of the SELPA community advisory committee (CAC) pursuant to EC Section 56190 in the development of the local plan:

SACRAMENTO COUNTY SELPA GOVERNANCE & ADMINISTRATION  
(SECTION B-4)  
**Q. 6**  
**Identify and describe the representation and participation of the CAC**

**Sacramento County SELPA Community Advisory Committee EC Section 56190**

Representation:  
Each representative from the SELPA's Community Advisory Committee follows the guidelines established in EC 56192 and 56193 as well as in Sacramento County SELPA's Bylaws. The Community Advisory Committee (CAC) shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in schools, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs.

SELPA Sacramento County SELPA

Fiscal Year 2020-21

The Superintendents' Council and Operations' Council shall be responsible for identifying persons interested in serving on the CAC. Persons identified as candidates for participation on the CAC shall be screened by appropriate district/county personnel and their name(s) shall be submitted to the respective District Governing Board or County Board of Education for appointment.

Participation in the Local Plan, defined by EC 56194 and found in Sacramento County SELPA's CAC Bylaws. The CAC shall have the following duties as outlined in the Local Plan:

1. Advise the policy and administrative entity of the Sacramento County Education Local Plan Area  
Ongoing input from the CAC is provided to the Operations Council.
2. Advising the policy and administrative entity of the district, Sacramento County Special Education Local Plan Area, regarding the development and review of the Local Plan. Such entity shall review and consider comments from the CAC.
3. Recommending annual priorities to be addressed by the Plan.
4. Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Plan.
5. Recommending annual priorities to be addressed by the Plan.
6. Encourage parents to ensure regular school attendance by students with disabilities.

**SACRAMENTO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

**SELPA COMMUNITY ADVISORY COMMITTEE BYLAWS**

**Revised September 10, 2019**

**Article I**

**NAME AND LOCATION**

Section 1.01 The name of the organization shall be the Community Advisory Committee for Special Education, hereafter referred to in these Bylaws as the Community Advisory Committee (CAC).

Section 1.02 The location shall be within the boundaries of the Arcohe Union Elementary School District, Center Unified School District, Elverta Joint Elementary School District, Galt Joint Union Elementary School District, Galt Joint Union High School District, Natomas Charter School, River Delta

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Unified School District, Robla Elementary School District, the Sacramento County Office of Education.

**Article II Purpose**

Section 2.01 The purpose of the CAC shall be to represent the interests of special education, and to promote a maximum degree of interaction between the community and the school districts.

**Article III**

**DUTIES**

Section 3.01 The CAC shall have the following duties as outlined in the Local Plan:

Advise the policy and administrative entity of the Sacramento County Education Local Plan Area  
Ongoing input from the CAC is provided to the Operations Council.

1. Advising the policy and administrative entity of the district, Sacramento County Special Education Local Plan Area, regarding the development and review of the Local Plan. Such entity shall review and consider comments from the CAC.
2. Recommending annual priorities to be addressed by the Plan and CAC.
3. Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the Plan.
4. Recommending annual priorities to be addressed by the plan and supporting activities on behalf of individuals with exceptional needs.
5. Encourage parents to ensure regular school attendance by students with disabilities.

**Article**

**IV**

**MEMBER  
SHIP**

Section 4.01 Membership, as outlined in the Local Plan, shall include the Director of the SELPA, Sacramento County liaison and recording secretary (as non- voting members). A voting member would be defined as a primary member appointed by the District Governing Board, outlined in Section 4.02. The alternate is the voting member in the primary member's absence. The Community Advisory Committee (CAC) shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in schools, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Section 4.02 The Superintendents' Council and Operations' Council shall be responsible for identifying persons interested in serving on the CAC. Persons identified as candidates for participation on the CAC shall be screened by appropriate district/county personnel and their name(s) shall be submitted to the respective District Governing Board or County Board of Education for appointment. At least the majority of such committee shall be composed of parents of pupils enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with exceptional needs. Assurance will be made that the composition of the CAC is in compliance with Education Code 56193, which states: 56193.

Section 4.03 The intent of the CAC shall be to have representation from each member district and the County Office. Member districts are encouraged to appoint alternates. If a district wants to have 2 members appointed, then each of those primary members may also have an alternate. Each district may appoint 2 members. One should be a parent; the other may be a professional educator employed within the district.

Section 4.04 Terms of appointment shall be at for at least two years; terms shall be from December to December. Consecutive terms are allowable.

Section 4.05 Membership shall be determined by regular attendance.

**Article IV MEETINGS**

Section 5.01 The CAC shall meet as frequently as deemed necessary but no less than nine regularly scheduled monthly meetings each school year to be held September through May.

Section 5.02 All members shall be sent written notification, written (either by regular mail or e-mail), at least (*seven*) working days in advance of all regular CAC meetings.

Section 5.03 A quorum shall consist when a majority of voting members as defined in Article 4.01 is present. Assurance will be made that the composition of the CAC is in compliance with Education Code 56193, which states: 56193.

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Section 5.04 The chairperson shall not commit the organization or its members to any action without a vote of the CAC. Any member shall call for a roll call or ballot vote by motion, if seconded.

Section 5.05 For action items only, such as they approval of Bylaws and selection of officers, a quorum of the CAC membership shall be required.

Section 5.05 For action items only such as approval of Bylaws and selection of officers, a quorum of the CAC membership shall be required.

**Article VI : OFFICERS**

Section 6.01 There shall be two officers as follows: Chairperson, Vice-Chairperson. These officers shall comprise the Executive Committee. All officers shall be parents. A recording Secretary shall be from the SELPA administrative unit and shall not be a voting member of the Executive Committee.

Section 6.02 The term of office shall be two consecutive years. Elections shall be held every two years at the December meeting, or when called for in the event of a resignation of any of the officers. A quorum of voting members is needed in order to hold an election.

Section 6.03 The major duties of the officers are:

**Chairperson:** Preside at all CAC meetings. Serve as Committee spokesperson to the school districts. Serve as ex officio member of all committees.

**Vice-Chairperson:** Assist the chairperson and in his/her absence serve as chairperson. Serve as an ex officio member of all committees. Chair the Executive Committee.

Section 6.04 **Secretary:** Record minutes of all CAC meetings. An administrative unit staff secretary may assume this task. Receive and transmit CAC correspondence and materials designated by the members.

**Article VII**

**COMMITTEES**

Section 7.01 Sub-committees shall be established as designated by the Executive Committee (Section 6.01) as needed.

Section 7.02 The authority and duties of the committees shall be delegated by the CAC.

Section 7.03 A quorum shall consist of a majority of the standing committee members.

Section 7.04 Committees shall not take action without a meeting.



Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Section 7.05 Committee members shall be given written or personal notification of all meetings at least seven (7) working days prior to the meeting. The committee chairperson may call a meeting with less notice providing the members are personally contacted.

**Article VIII**  
**EFFECTIVE DATES**

Section 8.01 The aforementioned bylaws shall become effective immediately upon adoption. Amendments to these bylaws shall become effective immediately as adopted unless the CAC members specify that they are to become effective at a later date.

Section 8.02 The bylaws may be altered, amended, or repealed. New bylaws may be adopted by a majority vote providing a quorum is present. Amendments shall be submitted to the CAC in writing and adoption shall require a two-thirds majority vote of the present members.

The membership shall be given written notice (either by regular mail or e-mail) of the meeting and the intent to change or adopt the bylaws at least seven (7) days prior to the meeting.

Section 8.03 The Bylaws shall be reviewed every two (2) years in the month of October for changes or revisions.

7. Describe the SELPA's process for regular consultations regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION  
(SECTION B-5)

**Q. B. 7**

**Describe the SELPA's process for regular consultations regarding the plan: Development with representatives of special education and regular education teachers and administrators selected by the**

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

**groups they represent and parent members of the CAC.**

The Local Plan Committee consists of representation from each LEA. The members may represent one or more categories such as, general education and special education administrator, etc. Membership based on recommendation and volunteer with each member providing the final commitment to join. Introduction/training for Local Plan was provided to membership from: LEA, CAC/Parents, Operations Council and Superintendents' Council. Local Plan group receives ongoing training. Open Local Plan meetings are held once-twice monthly. To reduce the impact of distance, Virtual Meeting platforms are used as requested. Governance groups are given access to completed drafts with opportunity for further input.

8. Identify and describe the responsible local agency (RLA), Administrative Unit (AU), or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support, and coordination and implementation of the plan:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION (SECTION B-5)

**Q. 8 Identify and describe the responsible local agency (RLA), Administrative Unit (AU) or other agency who is responsible for performing tasks such as the receipt and distribution of funds, provision of administrative support and coordination and implementation of the plan:**

**The RLA/AU**

The County Superintendent of Schools and Sacramento County Board of Education serve as the Administrative Unit (AU) for the SELPA. Additionally, the County Office of Education provides services for the SELPA in defined advisory and fiscal services. Services are provided as part of the Superintendents' Coordinating Council meetings. The SELPA Director/Administrator, a member of the AU, ensures that the Local Plan is implemented and makes change recommendations, as needed, to the Superintendents' Coordinating Council.

The County Superintendent of Schools, acting as the RLA Superintendent and the elected LEA Superintendent serving as Vice Chari of the Superintendents' Council, with the SELPA Administrator coordinates meetings of the Superintendents' Coordinating Council for a continuum of support and implementation work. The SELPA Administrator coordinates implementation with the LEA's: Operations Council, Program Specialists and CAC meetings.

9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the geographical area served by the plan:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION (SECTION B-5)

**Q 9. Describe the contractual agreements and the SELPA's system for determining the responsibility of participating agency for the education of each student with special needs residing within the**

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

**geographic area served by the plan.**

Each district of special education accountability is responsible for the students within their jurisdiction. There are no additional contractual agreements that supersede education code.

10. For multi-LEA local plans, specify:

- a. The responsibilities of each participating COE and LEA governing board in the policymaking process:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION  
(SECTION B-7)

**Q 10. FOR MULTI-LEA LOCAL PLANS: A**

**A. Specify the responsibilities of each participating COE and LEA governing board in the policy making process:**

The Superintendents, LEA and COE, are responsible for communication of recommended SELPA policies and/or changes thereof. The governing boards review, discuss with their Superintendents and make the final determination whether to amend, and/or adopt the policy.

- b. The responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:

**B. Responsibilities of the superintendents of each participating LEA and COE in the implementation of the local plan:**

The Superintendents ensure that all students with disabilities for whom they are responsible are provided access to a full continuum of services to ensure a free and appropriate education. This includes a developing and having their governing board ratify a budget that ensures a continuum of programs and services that will meet the needs of their students. The Superintendents ensure that their LEAs employ any federal, state and local policies needed for effective implementation of the Local Plan.

SELPA Sacramento County SELPA

Fiscal Year 2020-21

c. The responsibilities of each LEA and COE for coordinating the administration of the local plan:

**C. Responsibilities of each LEA and COE for coordinating the administration of the local plan.**

The SELPA governance entities meet with those LEA stakeholders inclusive of governing boards, administrative leadership, service providers inclusive of teachers and support staff to ensure understanding of the planning components and implementation within the LEA. Additionally, the LEA governance entity will oversee and ensure responsibility for developing consistency in program delivery, evaluation of student progress, staff development and parent training for understanding of Local Plan.

11. Identify the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA related to:

a. The hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the local plan:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION  
(SECTIONS B-10, 11, 12)

**Q B 11. A- Identify the respective roles of the RLA/AU, the SELPA administrator and the individual LEAs associated with the SELPA related to:**

**a) The hiring, supervision, evaluation and discipline of the SELPA Director/Administrator and the staff employed by the Administrative Unit (AU) in support of the Local Plan**

The Administrative Unit shall be assisted in the hiring and selection process of the SELPA Administrator by the Superintendents' Coordinating Council. The SELPA Administrator is subject to the Administrative Unit's policies and procedures for day-to-day operations but receives direction from, and is responsible to, the Superintendents' Coordinating Council. The SELPA Administrator is evaluated by the Administrative Unit Superintendent or Deputy Superintendent with input from the Superintendents' Coordinating Council.

The staff employed by the AU in support of the Local Plan consists of administrative/clerical staff. Employment procedures follow those of the COE with members from the LEAs as part of the selection panel. Supervision, evaluation and discipline of the support staff follows the Employee Association of which they are a member.

SELPA Administrator will ensure that the Local Plan is implemented and will make recommendations to the Superintendents' Council when revisions are necessary. The SELPA Administrator will facilitate development and approval of the SELPA policies and procedures necessary to implement the Local

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Plan.

b. The local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA:

**Section B 11**

**b) The local method used to distribute federal and state funds to the SLPA RLA/AU and to LEAS within the SELPA**

The formula for distribution of funds is based on such components as P-2 Attendance, CBEDS, scarcity, regional programs, preschool programs and eligibility for growth funding. It is recognized that a goal of the formula is to assure that a full continuum of services that exists for all students, while ensuring that the Hold Harmless principal applies to all districts.

The primary responsibility for monitoring the appropriate use of federal, state, and local funds allocated for special education programs is maintained at the local district level. The SELPA Administrator and AU staff provide consultation and assistance to the local district in appropriate utilization of special education funds upon request.

Allocation Planning is discussed in Superintendents' Coordinating Council Study Session. Preliminary recommendations, based on LEA, SELPA and AU needs, are shared with the members of Operations Council and forwarded to the Superintendents' Council for further study and budget recommendations. The budget is developed with Superintendents' Council approval at public meeting. County Office timelines are followed for budget preparation, submission, approval and adoption. Prior to formal voting, budgets submitted through the County Office budget process for adoption at a public hearing.

c. The operation of special education programs: education programs:

**Section 12**

**c) The operation of special education programs**

These governance groups have regular meetings to promote group understanding and collaboratively determine a course of action and practice for appropriate operation of special education programs.

The **AU** is designated to perform such functions as receipt and distribution of funds and appropriate allocations of funds for the operation of LEA special education programs in order to ensure cost effective, quality programs. The AU coordinates with the SELPA Administrator and Superintendents

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

of the LEAS for a selpa-wide coherent delivery of services which includes monitoring the appropriate use of federal, state, and local funds allocated for special education programs with recommendations made as needed at governance meetings. Each of these governance entities have an active role in allocation of funds and recommendations for changes needed to maintain quality.

In conjunction with LEAs, the SELPA Administrator oversees the preparation of state, federal, and local reports as required with data from LEAs. The AU, SELPA Administrator and LEA Superintendents review the data towards recommendations at a fiscal and/or instructional level for continuous quality programs. The SELPA Administrator meets with SELPA governance entities to examine all aspects of the SELPA Management Information Systems' results to ensure that identification, compliance and progress monitoring in the operations and instructional practices for students with disabilities continue to reflect the implementation of effective practices in the LEA/ SELPA's special education programs.

Section 12

d. Monitoring the appropriate use of federal, state, and local funds allocated for special education programs:

**d) Monitoring the appropriate use of federal, state and local funds allocated for special education programs**

An audit trail for the utilization of federal flow-through funds is provided through the Division of Business Services of the County Office in collaboration with the district business offices in accordance with state approved accounting practices. Separate accounting is maintained for federal funds to assure full and proper use of these funds. Federal funds are used to support staff development programs and supplement other program components, but are not used to supplant state and local funds. Expenditures from year to year of state and local funds equal or exceed expenditures of these funds in the prior year.

Planning for the utilization of personnel development funds is based upon needs assessments conducted by LEA administrators and program specialists. District funds are budgeted by district administrators, while regional funds are budgeted by the Operations Council in order to carry out the personnel development program. The SELPA Administrator works with the Operations Council to plan programs responsive to the needs of the region and to take advantage of assistance from the RLA/AU.

Low incidence equipment funds and Low Incidence Service Funds are restricted in use for students in the following disability categories: hard of hearing, deaf, visual disability, orthopedically impaired and deaf blind the funds shall be administered through the Sacramento County SELPA office. This includes receipt of funds, distribution of funds, maintaining an inventory, developing procedures for exchange of equipment, and reporting to the State. The SELPA has a policy to guide the

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

administration of these funds.

Changes are made in budgetary allocations upon the recommendation of the approval of the Superintendents Council. Infant Discretionary funds are budgeted through the Infant Program of the County Office. Any changes in budgets for infant programs are handled through the same approval process as for approval of the original budget.

12. Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments:

SACRAMENTO COUNTY SELPA LOCAL PLAN GOVERNANCE & ADMINISTRATION  
(SECTION B-13)

**Q. 12**  
**Describe how specialized equipment and services will be distributed within the SELPA in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environments:**

Specialized equipment and services will be provided at the site where the Individualized Education Program (IEP) team has determined the program where the student is provided with a free and appropriate public education in the least restrictive environment (LRE).

The determination of a student's eligibility for special education is the role of the IEP/IFSP Team, and includes the identification of a disability as well as determination that the disability impacts the educational progress of the student to a degree that requires special education services. Students are assessed in all areas of suspected disability, using a variety of assessment tools and strategies to gather relevant functional and developmental information that may assist in determining whether the student is a child with a disability and who needs special education services.

Determining the student's **primary** disability, when more than one disability is identified, is also an IEP/IFSP Team decision. The student's secondary disability may also be used for low incidence requests. This determination takes into consideration a number of factors. IEP/IFSP teams should ask the following questions:

1. In looking at this child's movements through school and into adulthood, what is *primarily impacting* the student's ability to benefit from his/her education and what will he/she *need* to be a successful community member?
2. Which of the student's identified disabilities has the most significant impact on learning and development?

Section B: Governance and Administration

SELPA

Fiscal Year

3. Is the priority of education planning to assist the student to gain access to instructional materials and supports via modalities (e.g. vision, hearing, touch) that are impacted by the low incidence disability?

**Policies, Procedures, and Programs**

Pursuant to EC sections 56122 and 56205(a), the SELPA ensures conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201 and has in effect policies, procedures, and programs. For each of the following 23 areas, identify whether, or not each of the following provisions of law are adopted as stated. If the policy is not adopted as stated, briefly describe the SELPA's policy for the given area. In all cases, provide the SELPA policy and procedure numbers; the document title; and the physical location where the policy can be found.

**1. Free Appropriate Public Education: 20 USC Section 1412(a)(1)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a free appropriate public education is available to all children with disabilities residing in the LEA between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school." The policy is adopted by the SELPA as stated:

Yes     No

**2. Full Educational Opportunity: 20 USC Section 1412(a)(2)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities have access to educational programs, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:



Section B: Governance and Administration

SELPA

Fiscal Year

Yes  No

---

**3. Child Find: 20 USC Section 1412(a)(3)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services." The policy is adopted by the SELPA as stated:

Yes  No

---

**4. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP): 20 USC Section 1412(a)(4)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that an IEP, or an IFSP that meets the requirements of 20 USC Section 1436 (d), is developed, implemented, reviewed, and revised for each child with a disability who requires special education and related services in accordance with 20 USC Section 1414 (d). It shall be the policy of this LEA that a of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions." The policy is adopted by the SELPA as stated:

Yes  No

---

**5. Least Restrictive Environment: USC Section 1412(a)(5)**

Policy/Procedure Number:

Document Title:

Document Location:

Section B: Governance and Administration

SELPA

Fiscal Year

"It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the general educational environment, occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The policy is adopted by the SELPA as stated:

Yes  No

---

**6. Procedural Safeguards: 20 USC Section 1412(a)(6)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards according to state and federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes  No

---

**7. Evaluation: 20 USC Section 1412(a)(7)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that a reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate." The policy is adopted by the SELPA as stated:

Yes  No

---

**8. Confidentiality: 20 USC Section 1412(a)(8)**

Policy/Procedure Number:

Document Title:

Section B: Governance and Administration

SELPA

Fiscal Year

Document Location:

"It shall be the policy of this LEA that the confidentiality of personally identifiable data, information, and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act, non-academic programs, and services available to non-disabled children." The policy is adopted by the SELPA as stated:

Yes  No

---

**9. Part C to Part B Transition: 20 USC Section 1412(a)(9)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that children participating in early intervention programs under the Individuals with Disabilities Education Act (IDEA), Part C, and who will participate in preschool programs, experience a smooth and effective transition to preschool programs in a manner consistent with 20 USC Section 1437(a)(9). The transition process shall begin prior to the child's third birthday."The policy is adopted by the SELPA as stated:

Yes  No

---

**10. Private Schools: 20 USC Section 1412(a)(10)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents." The policy is adopted by the SELPA as stated:

Yes  No

---

**11. Local Compliance Assurances: 20 USC Section 1412(a)(11)**

Section B: Governance and Administration

SELPA  Fiscal Year

Policy/Procedure Number:   
Document Title:   
Document Location:

"It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs, and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the IDEA; the Federal Rehabilitation Act of 1973, Section 504 of Public Law; and the provisions of the California EC, Part 30." The policy is adopted by the SELPA as stated:

Yes  No

---

**12. Interagency: 20 USC Section 1412(a)(12)**

Policy/Procedure Number:   
Document Title:   
Document Location:

"It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process." The policy is adopted by the SELPA as stated:

Yes  No

---

**13. Governance: 20 USC Section 1412(a)(13)**

Policy/Procedure Number:   
Document Title:   
Document Location:

"It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the local plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Education Agency." The policy is

Section B: Governance and Administration

SELPA

Fiscal Year

adopted by the SELPA as stated:

Yes  No

---

**14. Personnel Qualifications**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to ensure that personnel providing special education related services are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the California Department of Education (CDE) about staff qualifications." The policy is adopted by the SELPA as stated:

Yes  No

---

**15. Performance Goals and Indicators: 20 USC Section 1412(a)(15)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE." The policy is adopted by the SELPA as stated:

Yes  No

---

**16. Participation in Assessments: 20 USC Section 1412(a)(16)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs described in 20 USC Subsection 6311. The IEP team determines how a

Section B: Governance and Administration

SELPA

Fiscal Year

student will access assessments with or without accommodations, or access alternate assessments where necessary and as indicated in their respective Reps.." The policy is adopted by the SELPA as stated:

Yes  No

---

**17. Supplementation of State, Local, and Federal Funds: 20 USC Section 1412(a)(17)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA, and will be used to supplement and not to supplant state, local, and other federal funds." The policy is adopted by the SELPA as stated:

Yes  No

---

**18. Maintenance of Effort: 20 USC Section 1412(a)(18)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in federal laws and regulations." The policy is adopted by the SELPA as stated:

Yes  No

---

**19. Public Participation: 20 USC Section 1412(a)(19)**

Policy/Procedure Number:

Policy/Procedure Title:

Document Location:

"It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity

Section B: Governance and Administration

SELPA

Fiscal Year

for comments are available to the general public, including individuals with disabilities and parents of children with disabilities, and are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA." The policy is adopted by the SELPA as stated:

Yes  No

---

**20. Suspension and Expulsion: 20 USC Section 1412(a)(22)**

Policy/Procedure Number:

Document Title:

Document Location:

"The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised." The policy is adopted by the SELPA as stated:

Yes  No

---

**21. Access to Instructional Materials: 20 USC Section 1412(a)(23)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state-adopted National Instructional Materials Accessibility Standard." The policy is adopted by the SELPA as stated:

Yes  No

---

**22. Over-identification and Disproportionality: 20 USC Section 1412(a)(24)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities." The policy is adopted by

Section B: Governance and Administration

SELPA

Fiscal Year

the SELPA as stated:

Yes  No

---

**23. Prohibition on Mandatory Medicine: 20 USC Section 1412(a)(25)**

Policy/Procedure Number:

Document Title:

Document Location:

"It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services." The policy is adopted by the SELPA as stated:

Yes  No

---

**Administration of Regionalized Operations and Services**

Pursuant to *EC* sections 56195.7(c), 56205(a)(12)(B), 56368, and 56836.23, describe the regionalized operation and service functions. Descriptions must include an explanation of the direct instructional support provided by program specialists; and the respective roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA. Information provided should include the reference number, document title, and the location (e.g., SELPA office) for each function:

1. Coordination of the SELPA and the implementation of the local plan:

Reference Number:

Document Title:

Document Location:

The Sacramento County SELPA assures that all regionalized services for operations and service functions are supported by the Role of the RLA/AU. The Sacramento County Office of Education is the Responsible Local Agency with the Superintendent of the County School Board as RLA Superintendent. The LEA Governing Boards of the Sacramento County Special Education Local Plan Area (SELPA) are responsible for the development and adoption of policies and procedures provided in the Sacramento County SELPA. These governances, the LEA members of the Operations and



Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Description:

Superintendents Councils determine and are responsible for their district special education programs' service delivery decisions and district level related services. At any level of SELPA governance, a request to determine whether changes in or the addition of a new policy or procedure may take place. As part of the governance process in the Local Plan representatives from the Community Advisory Committee will be informed for input and approval of Local Plan changes. Role of the Administrator of the SELPA: The SELPA Administrator will ensure that the local plan is implemented and will make recommendations to the Superintendents' Council when revisions are needed. Facilitate development and approval of SELPA policies and procedures necessary to implement the local plan.

Role of the individual LEAs is to ensure a full continuum of services are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible. Additionally, the individual LEAs, through the representative to the Superintendents' Council, will approve any policies and procedures needed to implement the local plan.

The role of the SELPA Administrator will ensure that the local plan is implemented and will make recommendations to the Superintendents' Council when revisions are needed facilitate development and approval of SELPA policies and procedures necessary to implement the local plan.

The individual LEAs Ensure a full continuum of services are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible. The individual LEAs, through the representative to the Superintendents' Council, will approve any policies and procedures needed to implement the local plan. The SELPA Governing Board/the Superintendents' Coordinating Council, is charged with adopting appropriate policies regarding the implementation of the Special Education Local Plan.

Any necessary changes in policies/procedures for the implementation of the Local Plan follow the guidelines of the Local Plan governances which provide for task force/work study groups within the Operations and Superintendents' Coordination Councils. These groups address the need and proposed response as well as provide analysis and recommendations to the Councils for a formal response.

Each superintendent assumes responsibility for communication and presentation to their governing boards for decisions on behalf of their LEA and the SELPA. The Operations Council and SELPA Directors

Section B: Governance and Administration

SELPA Sacramento County SELPA Fiscal Year 2020-21

work with the Community Advisory Council to ensure that parents' needs and concerns are considered in the implementation and operation of the Local Plan is consistent and amended as needed. The SELPA Director and the Operations Council informs the Superintendents' Council of any current policies, procedures and regulations for needed review and action towards the appropriate status of the Local Plan and its implementation.

When no amendments are needed but attention to implementation strategies are recommended, Operations Council reports to the Superintendents' Council and following individual LEA policies, their governing board.

There is no direct instructional support provided to the program by Program Specialists.

2. Coordinated system of identification and assessment:

Reference Number: RegOpsServ2020.2

Document Title: Coordinated system of Identification and Assistance

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: 

LEA Program Specialists share direct responsibility for responding to parents' request for referral to determine whether the student needs a an assessment to determine additional services. This responsibility belongs to the LEA. The RLA/AU is responsible for the LEA's determination of the need for assessments as well as the subsequent services.

The SELPA Administrator ensures that the full continuum of services, inter-SELPA transfers, appropriate assessments are provided when needed. This includes provision of professional development and technical assistant upon request or as determined to be needed by the SELPA to LEAS and/or nonpublic schools.

Individual LEA's role on the Superintendents' Coordinating Council will determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services.

Section B: Governance and Administration

SELPA  Fiscal Year

3. Coordinated system of procedural safeguards:

Reference Number:

Document Title:

Document Location:

Description:

4. Coordinated system of staff development and parent and guardian education:

Reference Number:

Document Title:

Document Location:

Section B: Governance and Administration

SELPA Sacramento County SELPA Fiscal Year 2020-21

Description: 

LEA level program specialists provision of instructional support in the form of program, staff development as well as the innovation and implementation of specialized instructional practices.

The RLA/AU provides the supports for provision of professional development and its implementation. The SELPA Administrator develops a professional development plan and implementation based on input from LEA members. The Community Advisory Committee provides a plan to develop training and supports for their members and with the support of the SELPA Administrator.

5. Coordinated system of curriculum development and alignment with the core curriculum:

Reference Number: RegOpsServices2020.5

Document Title: Coordinated System of Curriculum Development and its Alignment

Document Location: Sacramento County SELPA Office, Website

Description: 

LEA program specialists coordinate curricular resources for students with disabilities. They receive direct support to ensure program quality for participation and implementation of all areas of curriculum and its assessment and modification strategies as needed. LEA's are responsible for the adopted curriculum and how to identify and meet the students needs for instructional improvement.

6. Coordinated system internal program review, evaluation of the effectiveness of the local plan, and implementation of the local plan accountability system:

Reference Number: RegOpsSer 2020.6

Document Title: Coordinated system of program review and evaluation of effectiveness through the use of a local plan accountability system.

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: 

The LEA program Specialist and Director provide direct instructional support and support the student by evaluating the program's effectiveness in students' response. The RLA/AU provide supports to this work by providing direct training and the provision of the evaluation systems to determine the students' successes in responding to the instruction and its application to ongoing instruction. The SELPA Administrator works with the LEA's to determine the specific

Section B: Governance and Administration

SELPA

Fiscal Year

assessment guidelines and the results by the students. LEA's share a partnership with the SELPA Administrator through the use of the Annual Performance Reports, the California School Dashboard and other data sources to ensure that students with disabilities receive FAPE. This extends to consistent engagement activities required by CDE.

7. Coordinated system of data collection and management:

Reference Number:

Document Title:

Document Location:

Description:

8. Coordination of interagency agreements:

Reference Number:

Document Title:

Document Location:

Description:

Section B: Governance and Administration

SELPA

Fiscal Year

9. Coordination of services to medical facilities:

Reference Number:

Document Title:

Document Location:

Description:

10. Coordination of services to licensed children's institutions and foster family homes:

Reference Number:

Document Title:

Document Location:

Description:

11. Preparation and transmission of required special education local plan area reports:

Section B: Governance and Administration

SELPA  Fiscal Year

Reference Number:	<input type="text" value="RegOpsServ2020.11"/>
Document Title:	<input type="text" value="Preparation/Transision of Special Education Local Plan Area reports"/>
Document Location:	<input type="text" value="Sacramento County SELPA Office, Report, LEAs"/>
Description:	<input type="text" value="The RLA/AU provides support in the development, involvement and approval of the Local Plan for the SELPA. The SELPA Administrator will ensure timely transmission of required reports and provide technical assistance to the SELPA LEAs in completing the reports. The individual LEAs will submit required data in order for the SELPA to submit timely reports."/>

12. Fiscal and logistical support of the CAC:

Reference Number:	<input type="text" value="RegOpsServ2020.12"/>
Document Title:	<input type="text" value="Fiscal and Logistical Support of the CAC"/>
Document Location:	<input type="text" value="Sacramento County SELPA Office, Website, LEAs"/>
Description:	<input type="text" value="The RLA/AU provides support for the Community Advisory Council in their meetings and services to enhance the strength of the CAC in its on-going and annual goals. The SELPA Administrator will provide fiscal and logistical support to the CAC meetings, events, and trainings that are approved by the Superintendents' Coordinating Council. The LEA superintendents, through the Superintendents' Coordinating Council, will ensure that theSELPA has sufficient resources to provide fiscal and logistical support for the CAC. LEA Directors will facilitate communicaton between their CAC represntation from the LEA."/>

13. Coordination of transportation services for individuals with exceptional needs:

Reference Number:	<input type="text" value="RegServAdm2020.13"/>
Document Title:	<input type="text" value="Coordination of Transportation Services for Individuals with Exceptional Needs"/>
Document Location:	<input type="text" value="Sacramento County SELPA Office, Website, LEAs"/>
Description:	<input type="text" value="The district-level program specialists will provide direct instruction and/ or assistance through staff development as requested by the LEAs to enhance access to a full opportunity and a free appropriate opportunity"/>

Section B: Governance and Administration

SELPA Sacramento County SELPA Fiscal Year 2020-21

Description: for students educational programs. The RLA/AU provides guidance and oversight for transportation services' development. The SELPA Administration will provide technical assistance as requested. Each individual LEA is responsible for providing transportation for the students with disabilities as determined by their IEP teams.

14. Coordination of career and vocational education and transition services:

Reference Number: RegServAdm2020.14

Document Title: Coordination of Career and Vocational Education and Transition Services.

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: The SELPA will monitor direct instructional support provided by the district level program specialist through staff development, program development and innovation of special methods and approaches. The RLA/AU will provide program support for the students. The role of the SELPA Administrator will provide technical assistance and staff development when needed. The SELPA Administrator will ensure appropriate inter-agency agreements are in place and facilitate connections to agencies as needed. Additionally professional development and technical assistance is available upon request or as determined to be needed by the SELPA to LEAs and/or non publics. Each LEA, through their representative to the Superintendents' Coordinating Council, will determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services.

15. Assurance of full educational opportunity:

Reference Number: RegServAdm2020.15

Document Title: Assurance of Full Educational Opportunity

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: The LEA program specialist/director assures students of a full educational opportunity regardless of the district of special education accountability. The RLA/AU provides oversight for the service plans provided to SELPA students. The SELPA Administrator ensures that the full continuum of services is provided as described throughout the Annual Services Plan. Supporting this, the SELPA assists with



Section B: Governance and Administration

SELPA Sacramento County SELPA Fiscal Year 2020-21

Description: InterSELPA transfers, as needed. Additionally, professional development and technical assistance is available upon request or as determined to be needed by the SELPA to LEAs and/or nonpublic schools. Each of the SELPA's LEAs has their Superintendents' Coordinating Council member determine the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each LEA is responsible for providing a full continuum of services.

16. Fiscal administration and the allocation of state and federal funds pursuant to *EC* Section 56836.01—The SELPA Administrator's responsibility for the fiscal administration of the annual budget plan; the allocation of state and federal funds; and the reporting and accounting of special education funding.

Reference Number: RegServAdm2020.16

Document Title: Fiscal Administration and Allocation of State and Federal Funds

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: The district program specialists do not provide instructional support in this operation. The RLA/AU provides oversight and fiscal support in supporting the SELPA's fiscal allocation. The AU coordinates with the SELPA Administrator and Superintendents of the LEAs for a SELPA-wide coherent delivery of services which includes monitoring the appropriate use of federal, state and local funds allocated for special education programs with recommendations made at the governance meetings. Each of these government entities have an active role in the allocation of funds and recommendations for changes needed to maintain quality. The SELPA Administrator will facilitate the distribution of funds in accordance to the funding allocation plan approved by the Superintendents' Coordinating Council. The SELPA Administrator will also facilitate the Annual Budget Plan. Through their representative to the Superintendents' Coordinating Council, the each LEA will determine and approve the allocation of funds to the member LEAs and the Annual Budget Plan. The LEA's will also submit required fiscal reports as required by state and federal laws.

17. Direct instructional program support that maybe provided by program specialists in accordance with *EC* Section 56368:

Reference Number: RegServAdm2020.17

Section B: Governance and Administration

SELPA Sacramento County SELPA Fiscal Year 2020-21

Document Title: Direct Instructional program support that may be provided by regional or LEA-based program specialists in accordance with EC Section 56368

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: This SELPA does not have regional program specialists. instructional supports are provided by LEA funded program specialists and/or LEA Directors/Coordinators. This support is designed to maintain current high quality practices in each of the LEAs and throughout the SELPAs. The services provided by LEA funded program specialists and/or LEA funded director/coordinators are part of an annual professional development program for the benefit of students education.

**Special Education Local Plan Area Services**

1. A description of programs for early childhood special education from birth through five years of age:

Reference Number: SELPA Services March92020.1

Document Title: Early Childhood Special Education 0-5 years of age

Document Location: Sacramento County SELPA Office, Website, LEAs

Description: Early Education Services are provided for all eligible infants, toddlers and preschool children by member LEAs, as needed, through:  
1.Cooperative agreements within the SELPA wherein infant programs are operated by the Sacramento County Office of Education  
2. Inter-agency agreements with Alta Regional Center  
3. LEA preschool programs  
The Local Inter-agency Agreement for Alta Regional Center describes specific policies, procedures, roles and responsibilities for serving infant and toddlers. The SELPA Annual Service and Budget Plans describe the specific funding and location of services.

2. A description of the method by which members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the local plan, may address questions or concerns to the SELPA governing body or individual administrator:

Reference Number: SELPA Services March92020.2

Section B: Governance and Administration

SELPA Sacramento County SELPA Fiscal Year 2020-21

Document Title:	<span style="border: 1px solid black; padding: 2px;">Public Participation</span>
Document Location:	<span style="border: 1px solid black; padding: 2px;">Sacramento County SELPA Office, Website, LEAs</span>
Description:	<div style="border: 1px solid black; padding: 5px;"> <p><b>Policies</b> It shall be the policy of the Sacramento County SELPA that prior to its adoption of policies and procedures, the LEA shall make the policies and procedures available to the general public, hold public hearings and provide an opportunity for comment by the general public.</p> <p><b>PROCEDURES</b> Members of the public, including parents or guardians of students with disabilities and students with disabilities having reached the age of majority, may address questions or concerns to the governing boards of the local education agencies, the Superintendent's Consortium, the Commission, at any posted meeting.</p> </div>

3. A description of a dispute resolution process, including mediation and final and binding arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan:

Reference Number:	<span style="border: 1px solid black; padding: 2px;">SELPA Services March92020.3</span>
Document Title:	<span style="border: 1px solid black; padding: 2px;">Dispute Resolution and Procedural Safeguards: funding, service and other governance activities</span>
Document Location:	<span style="border: 1px solid black; padding: 2px;">Sacramento County SELPA Office, Website, LEAs</span>
Description:	<div style="border: 1px solid black; padding: 5px;"> <p>It shall be the policy of the Sacramento County SELPA that children with disabilities and their parents shall be provided with safeguards throughout the identification, evaluation, placement process, and provision of a free appropriate education to the child. The Notice of Procedural Safeguards are cross referenced with Local Plan policies that are inclusive regarding a parent's rights for child's education, notice, consent, assessment, surrogate parent appointment, access to records. This includes due processing, mediation and alternative dispute resolution and accompanying meetings; any action or proceeding regarding any fees/services regarding the hearing process are described in the procedural safeguards and accompanying policies.</p> </div>

4. A description of the process being used to ensure a student is referred for special education

Section B: Governance and Administration

SELPA

Fiscal Year

instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized:

Reference Number:	<input type="text" value="SELPA Services March92020.4"/>
Document Title:	<input type="text" value="PreReferral Interventions"/>
Document Location:	<input type="text" value="Sacramento County SELPA Office, Website, LEAs"/>
Description:	<input type="text" value="Providing a student with academic and/or mental health needs is a team process with the determination the level of intensity a student needs towards making measurable progress in a least restrictive environment. Intervention instruction is provided by a specialist with parent permission. The intervention goals are based on a Student Support Meeting with student and parent present to discuss needs and goals which are focused and measurable. Progress monitoring is completed weekly to determine progress towards a focused goal. Under the frameworks of a system such as Multi-Tiered Supports, the student's participation and growth is measurable as well as assisting in the determination of need for an evaluation to determine if a learning disability is present. The student may benefit from continuous intervention services without the need for a formal evaluation. If the intervention and parent team determines that a formal evaluation is warranted and an evaluation is initiated the formal assessment process begins through the special education procedures."/>

5. A description of the process being used to oversee and evaluate placements in nonpublic, nonsectarian schools and the method of ensuring that all requirements of each student's individualized education program are being met. The description shall include a method for evaluating whether the student is making appropriate educational progress:

Reference Number:	<input type="text" value="SELPA Services March92020.5"/>
Document Title:	<input type="text" value="Evaluation of NPS Placements and IEP Progress"/>
Document Location:	<input type="text" value="Sacramento County SELPA Office, Website, LEAs"/>
Description:	<input type="text" value="When the IEP team has determined that a placement in a non-public, non-sectarian school program is necessary, the designated LEA administrator is responsible for assisting the parent in locating the appropriate placement. The LEA designated administrator fulfills regular NPS school site visits to observe the quality and safety of the program. Additionally, a two-tier observation is conducted annually by the SELPA administrator and provided with a passing observation or with a follow up visit to view recommended changes."/>

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Description:

The evaluation and placement IEP team determines specific academic, social-emotional, mental health and or other related services with measurable goals. Curriculum is designated to be evidence/research-based for grades and academic credits. The NPS provides report cards to the LEA each reporting period. State testing is administered in the format determined by the IEP team. The student's progress in all goal areas are evaluated and discussed at minimum annually in a formal IEP format.

6. A description of the process by which the SELPA will fulfill the obligations to provide free and appropriate public education (FAPE) to a student age 18 to 21 (or age 22 under the circumstances described in *EC 56026(c)(4)*) who has been incarcerated in a county jail and remains eligible for special education services:

The obligation to make FAPE available extends to those otherwise-eligible adults in county jail, age 18 to 21, who: (a) had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to their incarceration; or (b) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability. (*EC Section 56040*)

It is the responsibility of the district of residence (DOR) to provide special education services and related services to an adult student in county jail who remains eligible for these services and wishes to receive them. The DOR is the district in which the student's parents resided when the student turned 18, unless and until the parents move to a new DOR. For conserved students, the DOR is based on the residence of the conservator. (*EC Section 56041*)

Reference Number: SELPA Services March92020.6

Document Title: SacCo Adults in Correctional Facilities

Document Location: Sacramento County SELPA Office, Website, LEAs

Every individual with exceptional needs who is eligible to receive special education instruction and related services under the Individuals with Disabilities Act ("IDEA") and state special education laws, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. A FAPE shall be available to individuals with exceptional needs in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.101 of Title 34 of the Code of Federal Regulations.

Adults who are aged 18-22 years, have not graduated with a high

Section B: Governance and Administration

SELPA Sacramento County SELPA

Fiscal Year 2020-21

Description:

school diploma, who, at the time they have turned 18 were identified as an individual with exceptional needs and had an individualized education program (“IEP”) under the IDEA, are also entitled to a FAPE (hereinafter (“eligible adults”).

This applies to adults imprisoned in California adult jails and prisons. However, an individual aged 18 through 21 years, who, in the educational placement prior to his or her imprisonment in an adult correctional facility was not identified as an individual with an exceptional need or did not have an IEP under the IDEA, is not entitled to a FAPE.

For eligible adults who prior to reaching the age of majority resided with the Sacramento County SELPA geographic boundaries, the applicable local educational agency within the SELPA shall ensure they have available to them a FAPE.

If the parent relocates to a new district of residence, the new District of Residence shall become the responsible LEA. If the student is conserved, the district of residence of the conservator shall attach and remain the responsible local educational agency, as long as and until the conservator relocates or a new one is appointed. At that time, the new district of residence shall attach and become the responsible local educational agency.

Once the LEA is informed that one of its residents is an eligible adult imprisoned at an adult correctional facility, it will revise the individual’s IEP as necessary, including conducting an annual review, as needed, subject to the cooperation of the correctional facility where the student is located. The LEA will determine whether the qualified individual is provided a FAPE pursuant to IDEA and corresponding California special education code.

To receive special education services while imprisoned, a qualified individual must consent to the receipt of such services and enroll in the adult education program at the adult correctional facility.

The following special education exemptions apply to eligible individuals who are convicted as adults under State law and imprisoned in adult prisons:

1. The requirements set out in 20 U.S.C. § 1412(a)(16) and 20 U.S.C. §1414(d)(1)(A)9i)(VI) (relating to participation in general assessments) do not apply. Eligible individuals convicted as adults under State law and imprisoned in adult prisons are exempted from participation in State

Section B: Governance and Administration

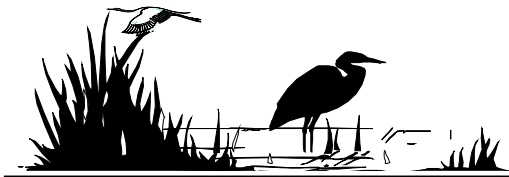
SELPA

Fiscal Year

and district-wide assessment programs under the IDEA.

2. The requirements of items (aa) and (bb) of 20 U.S.C. §1414(d)(1)(A) (i)(VIII) (relating to transition planning and transitional services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from prison.

3. If an individual with a disability is convicted as an adult under state law and imprisoned in an adult prison, the individual's IEP Team may modify the individual's IEP or placement notwithstanding the least restrictive environment ("LRE") requirements of 20 U.S.C. § 1414(d)(1)(A) and the IEP contents requirements of 20 U.S.C. § 1414(d)(1)(A) if there is a bona fide security or compelling penological interest that cannot otherwise be accommodated.



**RIVER DELTA UNIFIED SCHOOL DISTRICT**

**445 Montezuma Street**

**Rio Vista, California 94571-1651**

(707) 374-1700 Fax (707) 374-2995

**Special Education Local Plan Agency (SELPA)  
Certification Agreement to State & Federal Assurances**

In accordance with federal and state laws and regulations, the Sacramento County SELPA certifies that this plan has been adopted by the local board of Sacramento County SELPA and is the basis for the operation and administration of special education programs, and that the agency herein represented will meet all applicable requirements of state and federal laws, regulations, and state policies and procedures, including compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and implementing regulations under 34 *Code of Federal Regulations*, Parts 300 and 303, 29 U.S.C. 794, 705 (20), 794- 794b, the Federal Rehabilitation Act of 1973, as amended, and the provisions of the *California Education Code*, Part 30 and Chapter 3, Division 1 of Title V of the *California Code of Regulations*.

Be it further resolved, the Superintendent of the Sacramento County SELPA shall administer the local implementation of procedures, in accordance with state and federal laws, rules, and regulations, which will ensure full compliance.

Furthermore, the Superintendent the River Delta Unified School District ensures that policies and procedures covered by this assurance statement are on file at the River Delta Unified School District office and website and the Sacramento County SELPA office and website, and are available to any interested party.

**ADOPTED** the 12th day of May, 2020, by the Board of Trustees of the River Delta Unified School District by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTENTIONS:

\_\_\_\_\_ May 12, 2020  
 Marilyn Riley, Clerk (Date)  
 Board of Trustees  
 River Delta Unified School District



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

445 Montezuma Street  
Rio Vista, California 94571-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

Attachments: X

From: Katherine Wright, Superintendent

Item Number: 15

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

**SUBJECT:**

Request to approve the first reading and adoption of the COVID-19 Special Release Policy Updates or new Board Policies, Administrative Regulation and or Exhibits as they are applicable during the COVID-19 closures and beyond. As well as, Board Policy 5121.1 regarding Grades and Evaluation of Student Achievement Under Emergency Conditions and an update to Board Policy 5116.1 Intradistrict Open Enrollment.

**BACKGROUND:**

Due to the COVID-19 pandemic, school closures, the implementation of distance learning and district staff working remotely, it is necessary to implement temporary solutions to these issues at hand.

Policy 5116.1 was previously approved in March of 2020. Revisions are necessary to reflect the recommended practices of the River Delta Unified School District Admin team.

**STATUS:**

Attached are Board Policies, Administrative Regulations and Exhibits which have been affected by changes of the current emergency situation and which need to be approved for first reading and adopted into policy.

**PRESENTER:**

Katherine Wright, Superintendent

**OTHER PEOPLE WHO MIGHT BE PRESENT:**

Jennifer Gaston, Recorder

**COST AND FUNDING SOURCES:**

**RECOMMENDATION:**

That the Board approves the first reading and adoption of the revised policy and new COVID-19 Special Release Policy Updates as submitted.

Time allocated: 3 minutes

# POLICY GUIDE SHEET

April 2020

Page 1 of 1

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 4113.5/4213.5/4313.5 - Working Remotely**

(BP added)

New policy addresses issues applicable to employees who work from home or another remote location, whether due to a school closure resulting from a widespread illness, natural disaster, or other emergency condition or upon the request of an individual employee. Policy clarifies that there is no entitlement to work remotely and that employees who are granted the ability to work remotely are subject to the same compensation, benefits, or other terms and conditions of employment appropriate for the position. Policy also addresses work hours, work environment, use of district equipment, reimbursement of expenses, safeguarding of district records, evaluation of job performance, and discontinuance of the remote work arrangement at the district's discretion.

## **BP 6157 - Distance Learning**

(BP added)

New policy addresses the provision of distance learning opportunities to students, whether to all students due to a school closure or to individual students or classes as an alternative instructional method for academic purposes. Policy presents examples of the types of distance learning opportunities that may be offered, based on the California Department of Education's [COVID-19 Guidance for K-12 Schools](#). Policy also addresses teacher training and support, availability to all students, use of district equipment, communications with students and parents/guardians, and grading criteria. Policy includes additional considerations in the event of a school closure, such as prioritization of content as well as maintenance of continuity, routine, and regular connections with students.

# CSBA Sample Board Policy

All Personnel

BP 4113.5(a)

4213.5

**WORKING REMOTELY**

4313.5

Note: The following optional policy may be subject to collective bargaining agreements and should be revised to reflect district practice.

The Governing Board recognizes that working remotely at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. A full-time, part-time, or short-term remote work arrangement may also be granted by the Superintendent or designee to an individual employee, upon request, provided that the position is suitable for remote work, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder district operations.

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

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4113 - Assignment)*

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

*(cf. 6157 - Distance Learning)*

The opportunity to work remotely shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for remote work.

Employees approved for remote work shall comply with all district policies, administrative regulations, work schedules, and job assignments. Except when specifically agreed, approval of remote work shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4151/4251/4351 - Employee Compensation)*

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

Unless otherwise approved in advance by the Superintendent or designee, employees working remotely shall do so within regular work hours established for the position. Employees are entitled and expected to take appropriate, uninterrupted meal and rest breaks, and shall keep accurate records of the hours they work. Employees shall notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.

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

*(cf. 4261.1 - Personal Illness/Injury Leave)*

**WORKING REMOTELY** (continued)

Employees working remotely are expected to conduct their work in a location that is safe and free of obstructions, hazards, and distractions. Such employees shall report to their supervisor any serious injury or illness occurring in the home workspace or in connection with their employment as soon as practically possible in accordance with Board policy.

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*  
*(cf. 4157.2/4257.2/4357.2 - Ergonomics)*

Employees shall use caution in accessing the Internet from public locations and in accessing information from networks outside of the district in order to safeguard confidential information. Employees shall be responsible for maintaining and protecting equipment on loan from the district and shall adhere to the district's Acceptable Use Agreement. The employee's personally owned equipment may only be used for district business when approved by the Superintendent or designee.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*

Work done at a remote work location is considered official public business. District records and communications shall be retained and safeguarded against damage or loss, and shall be kept confidential or made accessible to the public in accordance with law.

*(cf. 1340 - Access to District Records)*  
*(cf. 3580 - District Records)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 5125 - Student Records)*

Any employee working remotely shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee may result in discipline and/or termination of remote work responsibilities. Employees shall be required to attend virtual or in-person meetings when directed by their supervisor.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

Employee productivity shall be evaluated on the basis of time spent on tasks and projects, task completion, and quality of job performance in the same manner as all employees in the same position at the assigned school or office.

*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4215 - Evaluation/Supervision)*  
*(cf. 4315 - Evaluation/Supervision)*

**WORKING REMOTELY** (continued)

Remote work arrangements may be discontinued at any time at the discretion of the Superintendent or designee.

*Legal Reference:*

GOVERNMENT CODE

6250-6270 *California Public Records Act*

12900-12996 *Fair Employment and Housing Act*

LABOR CODE

226.7 *Mandated meal, rest, or recovery periods*

6400 *Safe and healthful employment and place of employment*

6401 *Unsafe workplace*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

*Management Resources:*

WEB SITES

*California Department of Industrial Relations: <http://www.dir.ca.gov>*

Copyright 2020 by California School Boards Association

# CSBA Sample Board Policy

**Instruction**

BP 6157(a)

## **DISTANCE LEARNING**

Note: The following optional policy may be subject to collective bargaining agreements and should be revised to reflect district practice.

For further information regarding the implementation of distance learning in the event of a school closure, see the California Department of Education's COVID-19 Guidance for K-12 Schools.

The Governing Board recognizes that distance learning can be a viable alternative instructional strategy that supports student achievement of academic goals. Distance learning opportunities may be offered to students participating in independent study, credit recovery courses, enrichment courses, or other courses identified by the Superintendent or designee, or in the event that a school site is physically closed due to widespread illness, natural disaster, or other emergency.

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

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 4113.5/4213.5/4313.5 - Working Remotely)*

*(cf. 6158 - Independent Study)*

The district may offer distance learning through a variety of delivery methods as appropriate for the grade level and subject matter. Distance learning opportunities may include video, audio, and/or written instruction in which the primary mode of communication between the student and teacher is online interaction, instructional television, live or prerecorded video, telecourses, and other instruction that relies on computer or communications technology. They may also include the use of print materials with written or oral feedback.

The Superintendent or designee shall review and select distance learning courses, which may include those taught by district staff or others, that are of high academic quality and are aligned with district standards and curricula. As appropriate, courses may be self-directed to allow students to complete assignments at their own pace and/or may involve real-time interaction among the teacher and students.

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6143 - Courses of Study)*

The Superintendent or designee shall, in collaboration with teachers, plan for schoolwide or long-term distance learning in the event of a school closure. In developing the plan, the Superintendent or designee shall analyze the course sequence, prioritize content and standards to be completed, and recommend the grading criteria. In such circumstances, students' social-emotional wellness shall be taken into account, and schedules and learning experiences shall be designed to build continuity, routine, and regular connections with students.

*(cf. 5141.5 - Mental Health)*

**DISTANCE LEARNING** (continued)

As needed, the Superintendent or designee shall provide teachers with training and ongoing support, including technological support and guidance, to effectively implement distance learning. The district shall also provide opportunities for teachers to communicate and collaborate with each other to exchange information on effective practices.

*(cf. 4131 - Staff Development)*

Staff shall comply with all copyright regulations in developing materials to be used in distance education courses.

*(cf. 6162.6 - Use of Copyrighted Materials)*

The district shall take steps to ensure that distance learning opportunities are available to all students, including economically disadvantaged students, students with disabilities, and English learners. Teachers may use multiple methods of providing instruction to meet student needs. All online programming and Internet content shall meet accessibility standards for students with disabilities, including compatibility with commonly used assistive technologies.

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

*(cf. 0415 - Equity)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6174 - Education for English Learners)*

The Superintendent or designee shall assess students' access to technological devices and the Internet and, consistent with the district's budget and technology plan, may loan devices to students to use at home and/or assist families in identifying free service providers. Students are expected to use district technology responsibly in accordance with the district's Acceptable Use Agreement. To the extent possible, the district shall make technical and academic support available to students.

*(cf. 0440 - District Technology Plan)*

*(cf. 3311.4 - Procurement of Technological Equipment)*

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

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

Teachers shall provide regular communications to students and parents/guardians about expectations, assignments, and available resources to assist the student in successful completion of distance learning coursework.

*(cf. 6020 - Parent Involvement)*

Grading of distance learning assignments and assessments of end-of-course knowledge and understanding of the subject matter shall be consistent with district policy on grading for equivalent courses.

**DISTANCE LEARNING (continued)**

*(cf. 5121.1 - Grades/Evaluation of Student Achievement under Emergency Conditions)*

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

*(cf. 6146.3 - Reciprocity of Academic Credit)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts for electronic products or services; prohibitions*

51210-51212 *Course of study for grades 1-6*

51220-51229 *Course of study for grades 7-12*

51740-51741 *Authority to provide instruction by correspondence*

51745-51749.3 *Independent study*

51865 *California distance learning policy*

PUBLIC CONTRACT CODE

20118.2 *Contracting by school districts; technological equipment*

UNITED STATES CODE, TITLE 20

7131 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate); Internet safety*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*COVID-19 Guidance for K-12 Schools*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

*Web Content Accessibility Guidelines*

WEB SITES

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

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



# **Board Policy**

## **GRADE/EVALUATION OF STUDENT ACHIEVEMENT UNDER EMERGENCY CONDITIONS**

BP 5121.1

### **Students**

The Governing Board recognizes that while physical school sites are closed, learning is continuing through the Distance Learning Program (DLP). The Governing Board seeks to support students, including high school seniors on-track to graduate, in preserving the progress they made prior to physical school closures and enabling them to demonstrate further learning in ways that take into account the new DLP instructional environment. The Governing Board seeks to encourage continued learning and engagement while also taking a supportive, constructive, and meaningful approach to providing feedback to students and their families on Distance Learning work that is based on grade level standards during this unusual time. Recognizing the unique demands of the DLP and taking into account the need to be flexible given the public health crisis, the following policy changes shall be in effect until schools physically reopen for students:

### **Graduation Requirements**

The 15 hours of community service graduation requirement shall be suspended for the class of 2020.

### **Make-up Work**

During the third grading period of 2019-2020, students who missed school work because of an excused or unexcused absence (aside from truancy) shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time as determined by the teacher.

During the fourth grading period of 2019-2020, students who miss school work shall be given the opportunity to complete all assignments and tests that can be reasonably provided. Students shall receive full credit for make-up work satisfactorily completed during the fourth quarter.

### **Grading**

Teachers shall suspend their practices of assigning a final grade to students for the fourth grading period of 2019-2020.

For students in grades TK-12, the students' third quarter grades are the final grades assigned for academic progress and effort. Teachers shall assign a passing mark (P) for all grades and are afforded the opportunity to provide comments on the students' performance over the course of the year, including progress during the DLP.

All grading reports will denote that the educational program moved to the Distance Learning Program.

Regulation:  
Adopted:

RIVER DELTA UNIFIED SCHOOL DISTRICT  
May 12, 2020

DRAFT

**INTRADISTRICT OPEN ENROLLMENT**

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

*(cf. 5116.2 - Involuntary Student Transfers)*  
*(cf. 5117 - Interdistrict Attendance)*

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

*(cf. 5111.1 - District Residency)*

The Board shall annually review this policy. (Education Code 35160.5, 48980)

**Enrollment Priorities**

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

*(cf. 5116 - School Attendance Boundaries)*

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

*(cf. 0450 - Comprehensive Safety Plan)*

2. Is a victim of a violent crime while on school grounds (20 USC 7912)
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)

*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 5131.2 - Bullying)*

**INTRADISTRICT OPEN ENROLLMENT** (continued)

4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)

*(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)*

5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. ~~Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.~~ To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor
  - b. A court order, including a temporary restraining order and injunction
6. Has a parent/guardian whose primary place of employment is that school ~~Is a sibling of another student already attending that school~~
- 7.
8. Has a parent/guardian whose primary place of employment is that school ~~Is a sibling of another student already attending that school~~

**Application and Selection Process**

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted between April 1 through May 15 of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a

district school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

BP 5116.1(c)

### **INTRADISTRICT OPEN ENROLLMENT** (continued)

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

*(cf. 6172 - Gifted and Talented Student Program)*

### **Transportation**

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

*(cf. 3250 - Transportation Fees)*

*(cf. 3540 - Transportation)*

*Legal Reference: (see next page)*

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

### *Legal Reference:*

#### EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48980 Notice at beginning of term

#### CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

#### UNITED STATES CODE, TITLE 20

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

7912 Transfers from persistently dangerous schools

#### COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

#### ATTORNEY GENERAL OPINIONS

85 Ops. Cal. Atty. Gen. 95 (2002)

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

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

Unsafe School Choice Option, May 2004

#### WEB SITES

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

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

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

Policy  
adopted:  
**Students**

RIVER DELTA UNIFIED SCHOOL DISTRICT  
March 10, 2020  
AR 5116.1(a)

## **INTRADISTRICT OPEN ENROLLMENT**

### **Transfers for Victims of a Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 calendar days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and parent/guardian in making the offer. If the parent/guardian elects to transfer the student, the transfer shall be completed as soon as practicable.

### **Transfers from a "Persistently Dangerous" School**

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," intradistrict transfers shall be granted as follows:

1. Within 10 days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.

*(cf. 0450 - Comprehensive Safety Plan)*

2. Parents/guardians who desire to transfer their child out of the school shall provide a written response to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students.
3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints

or other considerations. The Superintendent or designee shall notify the parents/guardians of the assigned school.

AR 5116.1(b)

### **INTRADISTRICT OPEN ENROLLMENT (continued)**

4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in the current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

*(cf. 5117 - Interdistrict Attendance)*

### **Other Intradistrict Open Enrollment**

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within 10 school days.



Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school. (20 USC 6311)

*(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)*

AR 5116.1(c)

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Notifications**

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

*(cf. 5111.1 - District Residency)*

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by CDE

*(cf. 5145.6 - Parental Notifications)*

Regulation  
approved:

RIVER DELTA UNIFIED SCHOOL DISTRICT  
March 10, 2020

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

445 Montezuma Street  
Rio Vista, California 9457-1561

**BOARD AGENDA BRIEFING**

Meeting Date: May 12, 2020

Attachments: X

From: Elizabeth Keema-Aston, Chief Business Officer

Item Number: 16.

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

**SUBJECT:**

Contract Extension for one year to retain Sodexo as the Food Service Management Company for River Delta USD for FY 2020-21

**BACKGROUND:**

Sodexo is the current Food Service Management Company that provides consulting/management services for the Food Service Program operated district wide. In fiscal year 2018-19 the district went out for RFP for Food Service Management Services and Sodexo was awarded the bid. Sodexo has been providing these services for many years for the district. The contract with Sodexo is a multi-year contract that requires an annual extension through CDE.

**STATUS:**

The contract extension for FY 2020-21 has been approved by CDE and is now permitted to be presented to the Board for your final approval.

**PRESENTER:**

Elizabeth Keema-Aston, Chief Business Officer

**OTHER PEOPLE WHO MIGHT BE PRESENT: N/A**

**COST AND FUNDING SOURCES:**

Fees to be paid from revenues received in the Cafeteria Fund for meals served. Possible contribution from General Fund may be required at year end.

**RECOMMENDATION:**

That the Board approves the contract extension to retain Sodexo as the Food Service Management Contractor for FY 2020-21.

Time allocated: 5 minutes

**CONTRACT EXTENSION**

X CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED 4 Pages

Renewal (Extension Number) <b>1</b>	Agreement Number (Base year) <b>FSMC 2019</b>
--	--

1. This Extension Agreement is entered into between the School Food Authority and Contractor named below:  
River Delta Unified School District

\_\_\_\_\_  
Sodexo America, LLC

2. Base year contract term: Effective date: 07-01-2019 Expiration date: 06-30-2020

Extension year: Effective date: 07-01-2020 Expiration date: 06-30-2021

3. The maximum dollar amount of this contract is equal to the fixed cost per meal multiplied by the number of meals:  
\$560,331

4. The parties mutually agree to this extension as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein: The parties have agreed to renew the Agreement for an additional one-year period pursuant to Section II.A a of the Agreement. There are up to three (3) additional one-year extension options available. The following "Fixed Meal Rate Per Meal" table shall supersede and replace the current table contained in Exhibit B of the Agreement:

**COST PER MEAL (NOTE: prices must NOT include values for USDA Foods)**

LINE ITEM	UNITS*	RATE	TOTAL
Breakfast	87,951	\$ 1.699	\$ 149,429
Lunch	147,204	\$ 1.904	\$ 280,276
Snacks	11,500	\$ 0.618	\$ 7,107
Seamless Summer Feeding Option	3,250	\$ 1.904	\$ 6,188
Child and Adult Care Food Program Supper	42,798	\$ 2.265	\$ 96,937
Non-reimbursable Meals @\$3.00	10,711	\$ 1.904	\$ 20,394
TOTAL	303,414	\$ 1.847	\$ 560,331

\*Units to be provided by SFA

**FOOD SERVICE MANAGEMENT COMPANY**

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

Sodexo America, LLC

BY (Authorized Signature)

DATE SIGNED (Do not type)



PRINTED NAME AND TITLE OF PERSON SIGNING

Leslie M. Milinkovic, Senior Vice President

ADDRESS

9801 Washington Blvd., Gaithersburg, MD 20878 Attn: Law Department

**SCHOOL FOOD AUTHORITY**

SCHOOL FOOD AUTHORITY NAME

River Delta Unified School District

BY (Authorized Signature)

DATE SIGNED (Do not type)



PRINTED NAME AND TITLE OF PERSON SIGNING

Elizabeth Keema-Aston Chief Business Officer

**Debarment, Suspension, and Other Responsibility Matters**

As required by Executive Order 12549, Debarment and Suspension, for prospective participants/Respondents in primary covered transactions:

- A. The Respondent certifies that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
  - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.
- B. Where the Respondent is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

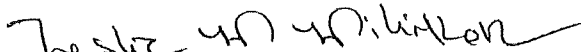
Sodexo America, LLC

Contractor/Company Name

Award Number, Contract Number, or Project Name

Leslie M. Milinkovic, Vice President

Name(s) and Title(s) of Authorized Representatives

  
Signature(s)

4/28/2020

Date

**Attachment I: Certification Regarding Lobbying**

**The undersigned certifies, to the best of his or her knowledge and belief, that:**

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub- recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization: Sodexo America, LLC

Street address: 9801 Washington Blvd.

City, State, Zip: Gaithersberg, Maryland 20878

Leslie M. Milinkovic

CERTIFIED BY: (type or print)

TITLE: Vice President

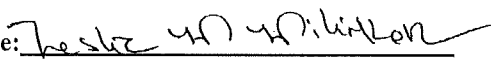
Leslie M. Milinkovic  
(Signature)

4/28/2020

(Date)

### Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See reverse for public burden disclosure)

<b>1. Type of Federal Action:</b> A    a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>2. Status of Federal Action:</b> A/B    a. bid/offer/application b. initial award c. post-award	<b>3. Report Type:</b> A    a. initial filing b. material change  <b>For material change only:</b> Year _____ quarter _____ Date of last report _____
<b>4. Name and Address of Reporting Entity:</b> _____ X _____ Prime _____ Subawardee Tier _____, if Known:  Congressional District, if known: _____		<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known: _____
<b>6. Federal Department/Agency:</b>  U.S. Congress Department of Defense USDA	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>  UNKNOWN	<b>9. Award Amount, if known:</b>  \$ UNKNOWN	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i> Sodexo America, LLC 9801 Washingtonian Blvd. Gaithersburg, Maryland 20878	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i> McGlockton, Joan Bukar, Nancy	
<b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	Signature: <u></u> Print Name: <u>Leslie M. Milinkovic</u> Title: <u>Vice President</u> Telephone No.: <u>425-213-4393</u> Date: <u>4/28/2020</u>	
<b>Federal Use Only</b>	<b>Authorized for Local Reproduction</b> <b>Standard Form - LLL (Rev. 7-97)</b>	

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31, U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

---

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503