## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

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

*(cf. 1240 - Volunteer Assistance)*
*(cf. 4030 - Nondiscrimination in Employment)*
*(cf. 4032 - Reasonable Accommodation)*
*(cf. 4033 - Lactation Accommodation)*
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*
*(cf. 5131.2 - Bullying)*
*(cf. 5145.3 - Nondiscrimination/Harassment)*
*(cf. 5145.7 - Sexual Harassment)*
*(cf. 5145.9 - Hate-Motivated Behavior)*
*(cf. 5146 - Married/Pregnant/Parenting Students)*
*(cf. 6145 - Extracurricular and Cocurricular Activities)*
*(cf. 6145.2 - Athletic Competition)*
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*
*(cf. 6164.6 - Identification and Education Under Section 504)*
*(cf. 6178 - Career Technical Education)*
*(cf. 6200 - Adult Education)*

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

*(cf. 3540 - Transportation)*
*(cf. 3553 - Free and Reduced Price Meals)*
*(cf. 5145.13 - Response to Immigration Enforcement)*

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other



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

barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

*(cf. 1330 - Use of Facilities)*

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

*(cf. 1113 - District and School Web Sites)*
*(cf. 1114 - District-Sponsored Social Media)*
*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*
*(cf. 5145.6 - Parental Notifications)*

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

**Access for Individuals with Disabilities**

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

BP 0410(c)

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

When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

*(cf. 6163.2 - Animals at School)*
*(cf. 7110 - Facilities Master Plan)*
*(cf. 7111 - Evaluating Existing Buildings)*

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

*(cf. 6020 - Parent Involvement)*
*(cf. 9320 - Meetings and Notices)*
*(cf. 9322 - Agenda/Meeting Materials)*

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Director of Family and Student Support Services
(title or position)
835 E. 14th Streert, Suite 200
(address)
San Leandro, CA 94577
(telephone number)

(email)

*Legal Reference: (see next page)*



## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

*Legal Reference:*

*EDUCATION CODE*
*200-262.4 Prohibition of discrimination*
*48980 Parental notifications*
*48985 Notices to parents in language other than English*
*51007 Legislative intent: state policy*
*GOVERNMENT CODE*
*8310.3 California Religious Freedom Act*
*11000 Definitions*
*11135 Nondiscrimination in programs or activities funded by state*
*12900-12996 Fair Employment and Housing Act*
*54953.2 Brown Act compliance with Americans with Disabilities Act*
*PENAL CODE*
*422.55 Definition of hate crime*
*422.6 Interference with constitutional right or privilege*
*CODE OF REGULATIONS, TITLE 5*
*4600-4670 Uniform complaint procedures*
*4900-4965 Nondiscrimination in elementary and secondary education programs*
*UNITED STATES CODE, TITLE 20*
*1400-1482 Individuals with Disabilities in Education Act*
*1681-1688 Discrimination based on sex or blindness, Title IX*
*2301-2415 Carl D. Perkins Vocational and Applied Technology Act*
*6311 State plans*
*6312 Local education agency plans*
*UNITED STATES CODE, TITLE 29*
*794 Section 504 of the Rehabilitation Act of 1973*
*UNITED STATES CODE, TITLE 42*
*2000d-2000d-7 Title VI, Civil Rights Act of 1964*
*2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended*
*2000h-2000h-6 Title IX*
*12101-12213 Americans with Disabilities Act*
*CODE OF FEDERAL REGULATIONS, TITLE 28*
*35.101-35.190 Americans with Disabilities Act*
*36.303 Auxiliary aids and services*
*CODE OF FEDERAL REGULATIONS, TITLE 34*
*100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI*
*104.1-104.39 Section 504 of the Rehabilitation Act of 1973*
*106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:*
*106.9 Dissemination of policy*

*Management Resources: (see next page)*

## NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)

*Management Resources:*

*CSBA PUBLICATIONS*
*Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016*
*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*
*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*
*CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS*
*California Law Prohibits Workplace Discrimination and Harassment*
*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*
*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*
*Dear Colleague Letter: Title IX Coordinators, April 2015*
*Dear Colleague Letter, May 26, 2011*
*Dear Colleague Letter: Harassment and Bullying, October 2010*
*Notice of Non-Discrimination, Fact Sheet, August 2010*
*Dear Colleague Letter: Electronic Book Readers, June 29, 2010*
*Nondiscrimination in Employment Practices in Education, August 1991*
*U.S. DEPARTMENT OF JUSTICE PUBLICATIONS*
*2010 ADA Standards for Accessible Design, September 2010*
*Accessibility of State and Local Government Websites to People with Disabilities, June 2003*
*WORLD WIDE WEB CONSORTIUM PUBLICATIONS*
*Web Content Accessibility Guidelines, December 2008*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Office of the Attorney General: http://oag.ca.gov*
*California Department of Education: http://www.cde.ca.gov*
*California Department of Fair Employment and Housing: http://www.dfeh.ca.gov*
*Safe Schools Coalition: http://www.casafeschools.org*
*Pacific ADA Center: http://www.adapacific.org*
*U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr*
*U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: http://www.ada.gov*
*U.S. Equal Employment Opportunity Commission: http://www.eeoc.gov*
*World Wide Web Consortium, Web Accessibility Initiative: http://www.w3.org/wai*

## EQUITY

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members is integral to the district's vision, mission, and goals. Addressing the needs of the most marginalized learners requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes.

*(cf. 0000 - Vision)*
*(cf. 0100 - Philosophy)*
*(cf. 0200 - Goals for the School District)*
*(cf. 0410 - Nondiscrimination in District Programs and Activities)*
*(cf. 5145.3 - Nondiscrimination/Harassment)*

In order to eradicate institutional bias of any kind, including implicit or unintentional biases and prejudices that affect student achievement, and to eliminate disparities in educational outcomes for students from historically underserved and underrepresented populations, the district shall proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, and impede equal access to opportunities for all students.

The Board shall make decisions with a deliberate awareness of impediments to learning faced by students of color and/or diverse cultural, linguistic, or socio-economic backgrounds. To ensure that equity is the intentional result of district decisions, the Board shall consider whether its decisions address the needs of students from racial, ethnic, and indigent communities and remedy the inequities that such communities experienced in the context of a history of exclusion, discrimination, and segregation. Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*
*(cf. 6174 - Education for English Learners)*
*(cf. 6175 - Migrant Education Program)*
*(cf. 9000 - Role of the Board)*
*(cf. 9310 - Board Policies)*

The Board and the Superintendent or designee shall develop and implement policies and strategies to promote equity in district programs and activities, through measures such as the following:

1. Routinely assessing student needs based on data disaggregated by race, ethnicity, and socio-economic and cultural backgrounds in order to enable equity-focused policy, planning, and resource development decisions

*(cf. 0400 - Comprehensive Plans)*
*(cf. 0460 - Local Control and Accountability Plan)*
*(cf. 6162.5 - Student Assessment)*

**EQUITY** (continued)

2. Analyzing expenditures and allocating financial and human resources in a manner that provides all students with equitable access to district programs, support services, and opportunities for success and promotes equity and inclusion in the district. Such resources include access to high-quality administrators, teachers, and other school personnel; funding; technology, equipment, textbooks, and other instructional materials; facilities; and community resources or partnerships.

*(cf. 0440 - District Technology Plan)*
*(cf. 3100 - Budget)*
*(cf. 4113 - Assignment)*
*(cf. 7110 - Facilities Master Plan)*

3. Enabling and encouraging students to enroll in, participate in, and complete curricular and extracurricular courses, advanced college preparation programs, and other student activities

*(cf. 6141.4 - International Baccalaureate Program)*
*(cf. 6141.5 - Advanced Placement)*
*(cf. 6143 - Courses of Study)*
*(cf. 6145 - Extracurricular and Cocurricular Activities)*
*(cf. 6152.1 - Placement in Mathematics Courses)*

4. Building a positive school climate that promotes student engagement, safety, and academic and other supports for students

*(cf. 5137 - Positive School Climate)*

5. Adopting curriculum and instructional materials that accurately reflect the diversity among student groups

*(cf. 6141 - Curriculum Development and Evaluation)*
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

6. Providing and/or collaborating with local agencies and community groups to ensure the availability of necessary support services for students in need

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
*(cf. 6164.2 - Guidance/Counseling Services)*
*(cf. 6164.5 - Student Success Teams)*
*(cf. 6179 - Supplemental Instruction)*

7. Promoting the employment and retention of a diverse staff that reflects the student demographics of the community

8. Providing district staff with ongoing, researched-based, professional learning and professional development on culturally responsive instructional practices

**EQUITY** (continued)

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

9. Conducting program evaluations that focus on equity and address the academic outcomes and performance of all students on all indicators

*(cf. 0500 - Accountability)*

The Board shall regularly monitor the intent and impact of district policies and decisions in order to safeguard against disproportionate or unintentional impact on access to district programs and achievement goals for specific student populations in need of services.

*Legal Reference:*

*EDUCATION CODE*
*200-262.4 Educational equity*
*52077 Local control and accountability plan*
*60040 Selection of instructional materials*
*GOVERNMENT CODE*
*11000 Definitions*
*11135 Nondiscrimination in programs or activities funded by state*
*PENAL CODE*
*422.55 Definition of hate crime*
*422.6 Interference with constitutional right or privilege*
*CODE OF REGULATIONS, TITLE 5*
*4900-4965 Nondiscrimination in elementary and secondary education programs*
*UNITED STATES CODE, TITLE 20*
*1400-1482 Individuals with Disabilities in Education Act*
*1681-1688 Discrimination based on sex or blindness, Title IX*
*2301-2415 Carl D. Perkins Vocational and Applied Technology Act*
*6311 State plans*
*6312 Local education agency plans*
*UNITED STATES CODE, TITLE 29*
*794 Section 504 of the Rehabilitation Act of 1973*
*UNITED STATES CODE, TITLE 42*
*2000d-2000d-7 Title VI, Civil Rights Act of 1964*
*2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended*
*2000h-2000h-6 Title IX*
*12101-12213 Americans with Disabilities Act*
*CODE OF FEDERAL REGULATIONS, TITLE 28*
*35.101-35.190 Americans with Disabilities Act*
*36.303 Auxiliary aids and services*
*CODE OF FEDERAL REGULATIONS, TITLE 34*
*100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI*
*104.1-104.39 Section 504 of the Rehabilitation Act of 1973*
*106.1-106.61 Discrimination on the basis of sex, effectuating Title IX*

*Management Resources: (see next page)*

**EQUITY** (continued)

*Management Resources:*

*CSBA PUBLICATIONS*

*Meeting California's Challenge: Access, Opportunity, and Achievement: Key Ingredients for Student Success, 2017*

*The School Board Role in Creating the Conditions for Student Achievement, 2017*

*African-American Students in Focus: Closing Opportunity and Achievement Gaps for African-American Students, 2016*

*African-American Students in Focus: Demographics and Achievement of California's African-American Students, 2016*

*Latino Students in California's K-12 Public Schools, 2016*

*Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, 2016*

*Climate for Achievement Governance Brief Series, 2015*

*Math Misplacement, 2015*

*CENTER FOR URBAN EDUCATION PUBLICATIONS*

*Protocol for Assessing Equity-Mindedness in State Policy, 2017*

*WEB SITES*

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

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

*Center for Urban Education: https://cue.usc.edu*

*Safe Schools Coalition: http://www.casafeschools.org*

**CHARTER SCHOOL OVERSIGHT**

## REQUIREMENTS FOR CHARTER SCHOOLS

Charter schools shall be subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements that are expressly applicable to charter schools, including, but not limited to, requirements that each charter school:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

2. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)

3. Not charge tuition (Education Code 47605)

4. 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

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)

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 school, according to the following criteria and procedures:

    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 the 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 the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

**CHARTER SCHOOL OVERSIGHT** (continued)

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 Governing Board of the district on an individual school basis consistent with law. (Education Code 47605)

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

10. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)

11. If the school offers a kindergarten program: (Education Code 48000)

a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2

b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020

12. 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 (Education Code 47605)

13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the 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)

14. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the 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)

15. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for

**CHARTER SCHOOL OVERSIGHT** (continued)

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)

16. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

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

18. If the school serves students in grades 7-12, adopt a policy on suicide prevention, intervention, and postvention with specified components (Education Code 215)

19. If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)

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

21. 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)

22. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)

23. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, 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)

24. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its 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)

25. If the 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)

**CHARTER SCHOOL OVERSIGHT** (continued)

26. If the 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, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

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

28. 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)

29. 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)

30. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the 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

31. 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)

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

33. 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)

**CHARTER SCHOOL OVERSIGHT** (continued)

34. If the 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)

35. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus (Education Code 39831.3)

36. 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.

37. Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding (Education Code 222)

38. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)

    a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device

    b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive

    c. Providing defense and indemnification to volunteers for any and all civil liability from such administration

**CHARTER SCHOOL OVERSIGHT** (continued)

39. If the 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

40. If the 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)

41. If the 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; ensure that a student with unpaid school meal fees is not shamed, 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)

42. If the 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)

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

44. Annually prepare and submit financial reports to the district Governing 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 July 1, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and accountability plan template adopted by the State Board of Education. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result

**CHARTER SCHOOL OVERSIGHT** (continued)

of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5, 52064)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)

c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)

d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)

e. 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)

f. 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 the California Department of Education. (Education Code 47605)

45. 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)

46. 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)

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

**CHARTER SCHOOL OVERSIGHT** (continued)

In addition, charter schools shall comply with the state and federal constitutions, applicable federal laws, and state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963 and the conflict of interest laws in Government Code 1090-1099 and 87100-91014.



# RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS

The Governing Board believes that district efforts to provide a high-quality education for students in the community can be enhanced by collaboration with other government and public agencies that are responsible for the health, safety, and well-being of children and youth. The district shall initiate and maintain good working relationships with representatives of local agencies to maximize student and family access to support services that will help students achieve to their highest potential.

*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 5030 - Student Wellness)*
*(cf. 5131.6 - Alcohol and Other Drugs)*
*(cf. 5141.32 - Health Screening for School Entry)*
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*
*(cf. 5141.52 - Suicide Prevention)*
*(cf. 5141.6 - School Health Services)*
*(cf. 5146 - Married/Pregnant/Parenting Students)*
*(cf. 5148 - Child Care and Development)*
*(cf. 5148.2 - Before/After School Programs)*
*(cf. 5148.3 - Preschool/Early Childhood Education)*
*(cf. 6164.2 - Guidance/Counseling Services)*
*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources. To further such collaborations, the Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

*(cf. 0200 - Goals for the School District)*
*(cf. 9140 - Board Representatives)*

The Superintendent and appropriate staff shall cooperate with government and public agencies in the planning and implementation of joint projects or activities within the community. The Superintendent or designee may designate a coordinator to ensure effective implementation of the district's responsibilities in any such collaborative project.

In order to identify priorities for services, the Board shall encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, substance abuse, violence, homelessness, placement in foster care, or lack of access to child care. The needs assessment should also examine the extent to which those needs are being met through existing services in the district and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.

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

The Board shall approve the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions. All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

*(cf. 1330 - Use of School Facilities)*
*(cf. 1330.1 - Joint Use Agreements)*
*(cf. 3100 - Budget)*

The Superintendent or designee shall work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth service coordination and delivery.

In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies as long as the parent/guardian consents and the information is shared in accordance with laws pertaining to confidentiality and privacy.

*(cf. 3553 - Free and Reduced Price Meals)*
*(cf. 5125 - Student Records)*

The Board shall receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

*(cf. 0500 - Accountability)*

The Board shall communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.

*(cf. 1100 - Communication with the Public)*
*(cf. 1160 - Political Processes)*
*(cf. 9000 - Role of the Board)*
*(cf. 9322 - Agenda/Meeting Materials)*

*Legal Reference: (see next page)*

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

*Legal Reference:*

*EDUCATION CODE*
*8800-8807 Healthy Start support services for children*
*10900-10914.5 Cooperative community recreation programs*
*49073 Privacy of student records*
*49075 Parent/guardian permission for release of student records*
*49557.2 Sharing of information for MediCal eligibility*
*HEALTH AND SAFETY CODE*
*120440 Immunization records; release to local health departments*
*130100-130155 Early childhood development; First 5 Commission*
*WELFARE AND INSTITUTIONS CODE*
*5850-5883 Mental Health Services Act*
*18961.5 Computerized database; families at risk for child abuse; sharing of information*
*18980-18983.8 Child Abuse Prevention Coordinating Council*
*18986-18986.30 Interagency Children's Services Act*
*18986.40-18986.46 Multidisciplinary services teams*
*18986.50-18986.53 Integrated day care program*
*18987.6-18987.62 Family-based services*

*Management Resources:*

*CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS*
*Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006*
*Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006*
*YOUTH LAW CENTER PUBLICATIONS*
*Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Department of Education, Learning Support: http://www.cde.ca.gov/ls*
*California Department of Public Health: http://www.cdph.ca.gov*
*California Department of Social Services: http://www.dss.cahwnet.gov*
*California State Association of Counties: http://www.csac.counties.org*
*Children Now: http://www.childrennow.org*
*Cities, Counties and Schools Partnership: http://www.ccspartnership.org*
*First 5 California: http://www.ccfc.ca.gov*
*League of California Cities: http://www.cacities.org*
*Youth Law Center: http://www.ylc.org*

# ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

The Governing Board desires to be proactive in communicating its philosophy, priorities, and expectations for the district; clarifying the roles and responsibilities of the Board, Superintendent, and other senior administrators; and setting direction for the district through written policies. However, the Board recognizes that, in the course of operating district schools or implementing district programs, situations may arise which may not be addressed in written policies. In such situations, or when immediate action is necessary to avoid any risk to the safety or security of students, staff, or district property or to prevent disruption of school operations, the Superintendent or designee shall have the authority to act on behalf of the district in a manner that is consistent with law and Board policies.

*(cf. 0000 - Vision)*
*(cf. 0100 - Philosophy)*
*(cf. 0200 - Goals for the School District)*
*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 0460 - Local Control and Accountability Plan)*
*(cf. 2110 - Superintendent Responsibilities and Duties)*
*(cf. 2121 - Superintendent's Contract)*
*(cf. 3516.5 - Emergency Schedules)*
*(cf. 9000 - Role of the Board)*
*(cf. 9310 - Board Policies)*

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

Any exercise of administrative authority shall be nondiscriminatory and demonstrate the district's commitment to equity in district programs and activities.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*
*(cf. 0415 - Equity)*

The Superintendent shall be accountable to the Board for all areas of operation under his/her authority. As appropriate, the Superintendent or designee shall notify the Board as soon as practicable after he/she exercises the authority granted under this policy. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

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

*Legal Reference: (see next page)*

**ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY** (continued)

*Legal Reference:*

*EDUCATION CODE*

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

*Management Resources:*

*WEB SITES*

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

# EDUCATIONAL TRAVEL PROGRAM CONTRACTS

The Governing Board believes that field trips and other travel opportunities are a valuable tool in supporting classroom instruction and enrich students' learning about places, cultures, and events. The district may contract with a qualified person, partnership, corporation, or other entity for educational travel services. Any such contract shall be submitted to the Board for approval and/or ratification.

*(cf. 3312 - Contracts)*
*(cf. 3541.1 - Transportation for School-Related Trips)*
*(cf. 6153 - School-Sponsored Trips)*

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account safeguards for student safety, quality of the educational program, and fiscal integrity.

The Superintendent or designee shall ensure that each contract is in writing and includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number, and a 24-hour emergency contact telephone number, pager, voice mail, or other method of 24-hour communication

2. A detailed description of:

   a. Services to be provided as part of the program

   b. Agreed cost for the services

   c. Whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name, address, and telephone number of the person or organization able to verify coverage

   d. Any additional costs to students

   e. Any experience and/or training requirements to be met by the educational travel organization's staff who will accompany students on the educational travel program

3. The educational program being contracted for, including a copy of all materials to be provided to students

4. The number of times the educational travel program or a substantially similar educational travel program has been conducted by the organization and the number of students who completed the program

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS** (continued)

5. The length of time the organization has either been arranging or conducting educational travel programs, and, at the option of the organization, other travel services with substantially similar components

6. The name of each owner, officer, general partner, or sole proprietor of the organization

7. Whether any owner or principal of the organization has had any judgment entered against him/her, made a plea of nolo contendere, or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

*Legal Reference:*

*EDUCATION CODE*
*35160 Authority of boards*
*35160.1 Broad authority of school districts*
*BUSINESS AND PROFESSIONS CODE*
*17540 Travel promoters*
*17550.9 Definition of travel services*
*17552-17556.5 Educational travel organizations*

# ENVIRONMENTAL SAFETY

The Governing Board recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff, and community members. The Superintendent or designee shall regularly assess school facilities to identify environmental health risks and shall develop strategies to prevent and/or mitigate environmental hazards. He/she shall consider the proven effectiveness of various options, anticipated short-term and long-term costs and/or savings to the district, and the potential impact on staff and students, including the impact on student achievement and attendance.

*(cf. 0200 - Goals for the School District)*
*(cf. 0400 - Comprehensive Plans)*
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*
*(cf. 3516.3 - Earthquake Emergency Procedure System)*
*(cf. 3517 - Facilities Inspection)*
*(cf. 4157/4257/4357 - Employee Safety)*
*(cf. 5142 - Safety)*
*(cf. 7111 - Evaluating Existing Buildings)*

Such strategies shall focus on maximizing healthy indoor air quality; monitoring the quality of outdoor air and adjusting outdoor activities as necessary; reducing exposure to vehicle emissions; minimizing exposure to lead and mercury; reducing the risk of unsafe drinking water; inspecting and properly abating asbestos; appropriately storing, using, and disposing of potentially hazardous substances; using effective least toxic pest management practices; reducing the risk of foodborne illness; and addressing any other environmental hazards identified during facilities inspections.

*(cf. 3510 - Green School Operations)*
*(cf. 3513.3 - Tobacco-Free Schools)*
*(cf. 3514.1 - Hazardous Substances)*
*(cf. 3514.2 - Integrated Pest Management)*
*(cf. 3516.5 - Emergency Schedules)*
*(cf. 3540 - Transportation)*
*(cf. 3541.1 - Transportation for School-Related Trips)*
*(cf. 3542 - School Bus Drivers)*
*(cf. 3550 - Food Service/Child Nutrition Program)*
*(cf. 5141.23 - Asthma Management)*
*(cf. 5141.7 - Sun Safety)*
*(cf. 5142.2 - Safe Routes to School Program)*
*(cf. 6142.7 - Physical Education and Activity)*
*(cf. 6163.2 - Animals at School)*
*(cf. 7150 - Site Selection and Development)*

In developing strategies to promote healthy school environments, the Superintendent or designee may consult and collaborate with local environmental protection agencies, health agencies, water boards, and other community organizations.

*(cf. 1020 - Youth Services)*

**ENVIRONMENTAL SAFETY** (continued)

The Superintendent or designee shall provide the district's maintenance and facilities staff, bus drivers, food services staff, teachers, and other staff as appropriate with professional development regarding their responsibilities in implementing strategies to improve and maintain environmentally safe and healthy schools.

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

The Superintendent or designee shall notify the Board, staff, parents/guardians, students, and/or governmental agencies, as appropriate, if an environmental hazard is discovered at a school site. The notification shall provide information about the district's actions to remedy the hazard and may recommend health screening of staff and students.

*(cf. 5141.6 - School Health Services)*

*Legal Reference: (see next page)*

## ENVIRONMENTAL SAFETY (continued)

*Legal Reference:*

*EDUCATION CODE*
*17002 Definition of "good repair"*
*17070.75 Facilities inspection*
*17582 Deferred maintenance fund*
*17590 Asbestos abatement fund*
*17608-17614 Healthy Schools Act of 2000, least toxic pest management practices*
*32080-32081 Carbon monoxide devices*
*32240-32245 Lead-Safe Schools Protection Act*
*48980.3 Notification of pesticides*
*49410-49410.7 Asbestos materials containment or removal*
*FOOD AND AGRICULTURAL CODE*
*11401-12408 Pest control operations and agricultural chemicals*
*13180-13188 Healthy Schools Act of 2000, least toxic pest management practices*
*GOVERNMENT CODE*
*3543.2 Scope of representation; right to negotiate safety conditions*
*HEALTH AND SAFETY CODE*
*105400-105430 Indoor environmental quality*
*113700-114437 California Retail Food Code, sanitation and safety requirements*
*116277 Lead testing of potable water at schools and requirements to remedy*
*CODE OF REGULATIONS, TITLE 5*
*14010 Standards for school site selection*
*CODE OF REGULATIONS, TITLE 8*
*337-339 Hazardous substances list*
*340-340.2 Occupational safety and health, rights of employees*
*1528-1537 Construction safety orders; exposure to hazards*
*5139-5223 Control of hazardous substances*
*CODE OF REGULATIONS, TITLE 13*
*2025 Retrofitting of diesel school buses*
*2480 Vehicle idling*
*CODE OF REGULATIONS, TITLE 17*
*35001-36100 Lead abatement services*
*CODE OF REGULATIONS, TITLE 22*
*64670-64679 Lead and copper in drinking water*
*CODE OF REGULATIONS, TITLE 24*
*915.1-915.7 California Building Standards Code; carbon monoxide devices*
*UNITED STATES CODE, TITLE 7*
*136-136y Use of pesticides*
*UNITED STATES CODE, TITLE 15*
*2601-2629 Control of toxic substances*
*2641-2656 Asbestos Hazard Emergency Response Act*
*UNITED STATES CODE, TITLE 42*
*1758 Food safety and inspections*
*CODE OF FEDERAL REGULATIONS, TITLE 40*
*141.1-141.723 Drinking water standards*
*745.61-745.339 Lead-based paint standards*
*763.80-763.99 Asbestos-containing materials in schools*
*763.120-763.123 Asbestos worker protections*

*Management Resources: (see next page)*

**ENVIRONMENTAL SAFETY** (continued)

*Management Resources:*

*CSBA PUBLICATIONS*

*Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008*

*Asthma Management in the Schools, Policy Brief, March 2008*

*Food Safety Requirements, Fact Sheet, October 2007*

*Sun Safety in Schools, Policy Brief, July 2006*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*School Site Selection and Approval Guide, 2000*

*Indoor Air Quality, A Guide for Educators, 1995*

*CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS*

*Report to the Legislature: Lead Hazards in California's Public Elementary Schools and Child Care Facilities, April 1998*

*CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY: AIR RESOURCES BOARD PUBLICATIONS*

*Facts about Truck and Bus Regulation School Bus Provisions, rev. March 22, 2011*

*CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS*

*Frequently Asked Questions about Lead Testing of Drinking Water in California Schools; Updated for Assembly Bill 746/Health and Safety Code 116277, December 15, 2017*

*DIVISION OF THE STATE ARCHITECT PUBLICATIONS*

*K-12 Occupancy Classification and Load Factors, IR A-26, rev. April 18, 2012*

*U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS*

*A Citizen's Guide to Radon: The Guide to Protecting Yourself and Your Family from Radon, 2016*

*Healthy School Environments Assessment Tool, rev. 2015*

*Indoor Air Quality Tools for Schools, rev. 2009*

*Mold Remediation in Schools and Commercial Buildings, September 2008*

*The ABCs of Asbestos in Schools, rev. August 2003*

*How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996*

*WEB SITES*

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

*AirNow: http://www.airnow.gov*

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

*California Air Resources Board: http://www.arb.ca.gov*

*California Building Standards: http://www.bsc.ca.gov/codes.aspx*

*California Department of Education, Health and Safety: http://www.cde.ca.gov/ls/fa/hs*

*California Department of Pesticide Regulation: http://www.cdpr.ca.gov*

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

*California State Water Resources Control Board: https://www.waterboards.ca.gov*

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

*Consumer Product Safety Commission: http://www.cpsc.gov*

*National Center for Environmental Health: http://www.cdc.gov/nceh*

*Occupational Safety and Health Administration: http://www.osha.gov*

*U.S. Environmental Protection Agency: http://www.epa.gov*

# ENVIRONMENTAL SAFETY

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

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

## Indoor Air Quality

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

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

*(cf. 3580 - District Records)*

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

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.

**ENVIRONMENTAL SAFETY** (continued)

4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)

*(cf. 3514.2 - Integrated Pest Management)*

5. The Superintendent or designee shall install a carbon monoxide detector or alarm in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)

6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

*(cf. 5141.23 - Asthma Management)*

7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.

8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

*(cf. 3514.1 - Hazardous Substances)*

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.

10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

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

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or

air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms or other enclosed areas or buildings.



**ENVIRONMENTAL SAFETY** (continued)

*(cf. 6163.2 - Animals at School)*

**Outdoor Air Quality**

The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

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

*(cf. 5141.7 - Sun Safety)*
*(cf. 6142.7 - Physical Education and Activity)*
*(cf. 6145 - Extracurricular and Cocurricular Activities)*
*(cf. 6145.2 - Athletic Competition)*

**Vehicle Emissions**

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

*(cf. 3540 - Transportation)*
*(cf. 3541.1 - Transportation for School-Related Trips)*
*(cf. 3542 - School Bus Drivers)*
*(cf. 5142.2 - Safe Routes to School Program)*

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

**Drinking Water**

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained to avoid the presence of dirt, mold, or other impurities or health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate the



**ENVIRONMENTAL SAFETY (continued)**

concern to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

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

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

**Lead Exposure**

In addition to keeping school facilities as dust-free and clean as possible, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)

2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.

4. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.

5. Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.

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



**ENVIRONMENTAL SAFETY** (continued)

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

**Mercury Exposure**

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

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

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

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

**Asbestos Management**

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

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

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

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:



**ENVIRONMENTAL SAFETY** (continued)

a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)

b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)

c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)

2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)

3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

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

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

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

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



**ENVIRONMENTAL SAFETY** (continued)

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

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

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

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

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

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

Regulation approved:

CSBA MANUAL MAINTENANCE SERVICE
May 2018

# HAZARDOUS SUBSTANCES

The Governing Board desires to provide a safe school environment that protects students and employees from exposure to any potentially hazardous substances used in the district's educational program and in the maintenance and operation of district facilities and equipment.

*(cf. 3514 - Environmental Safety)*
*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*
*(cf. 4157/4257/4357 - Employee Safety)*
*(cf. 5141.22 - Infectious Diseases)*
*(cf. 5142 - Safety)*

Insofar as reasonably possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored and used on school property. When hazardous substances must be used, the Superintendent or designee shall give preference to materials that cause the least risk to people and the environment.

*(cf. 3510 - Green School Operations)*
*(cf. 3514.2 - Integrated Pest Management)*

The Superintendent or designee shall ensure that all potentially hazardous substances on district properties are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

The Superintendent or designee shall develop, implement, and maintain a written hazard communication program in accordance with 8 CCR 5194 and shall ensure that employees, students, and others as necessary are fully informed about the properties and potential hazards of substances to which they may be exposed.

*(cf. 1240 - Volunteer Assistance)*

The Superintendent or designee shall develop specific measures to ensure the safety of students and staff in school laboratories where hazardous chemicals are used. Such measures shall include the development and implementation of a chemical hygiene plan in accordance with 8 CCR 5191 and instruction to students about proper handling of hazardous substances.

*(cf. 6142.93 - Science Instruction)*

The Superintendent or designee shall not order or purchase for use in grades K-6 any arts and crafts materials containing a substance determined by the California Office of Environmental Health Hazard Assessment to be toxic. The Superintendent or designee shall not purchase any such toxic material for use in grades 7-12 unless it includes a warning label as specified in Education Code 32065 that identifies any toxic ingredients, warns of potential adverse health effects, and describes procedures for safe use and storage. (Education Code 32064)

*Legal Reference: (see next page)*



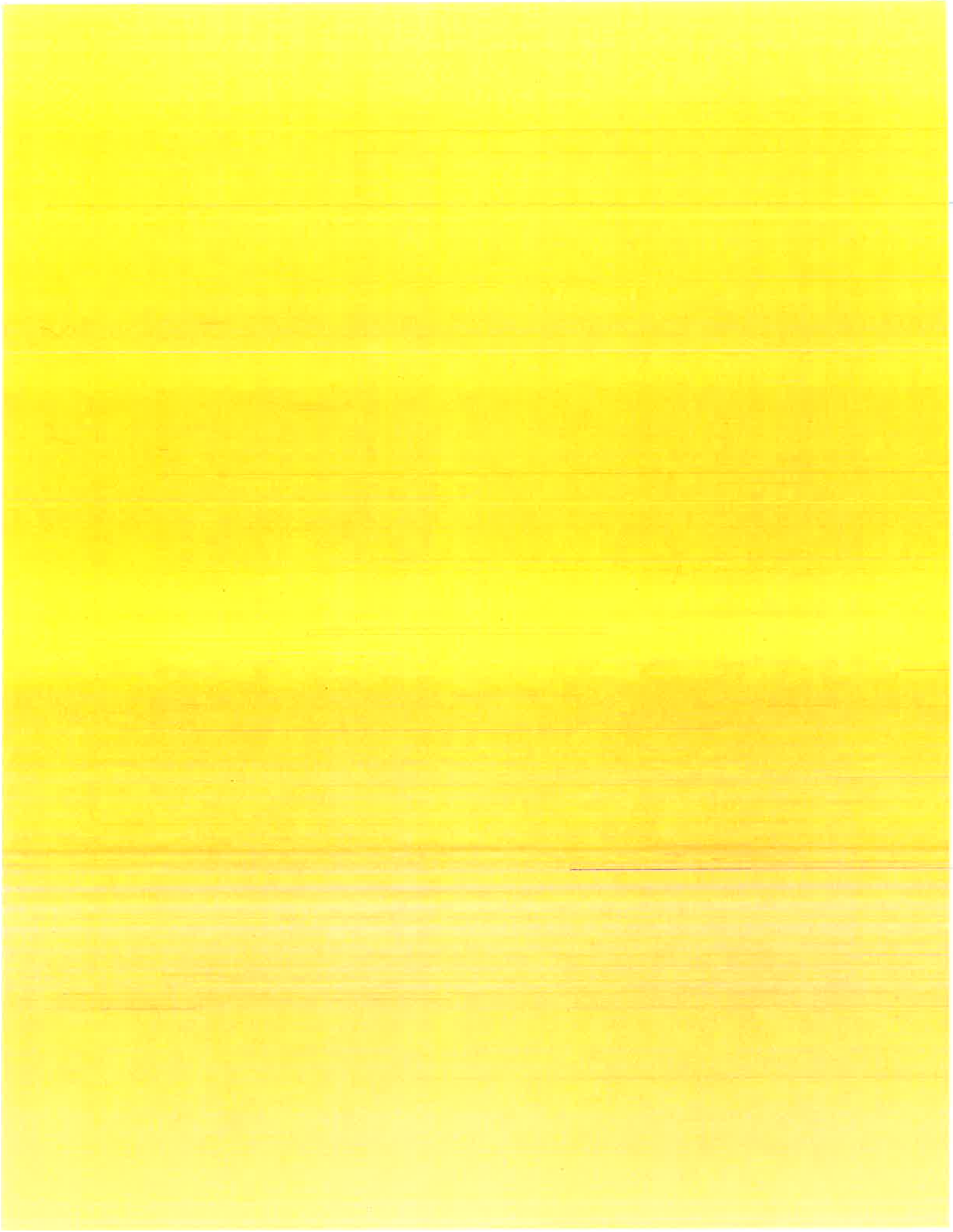
## HAZARDOUS SUBSTANCES (continued)

*Legal Reference:*

*EDUCATION CODE*
*32060-32066 Toxic art supplies in schools*
*49340-49341 Hazardous substances education*
*49401.5 Legislative intent; consultation services*
*49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal*
*FOOD AND AGRICULTURAL CODE*
*12981 Regulations re pesticides and worker safety*
*HEALTH AND SAFETY CODE*
*25163 Transportation of hazardous wastes; registration; exemptions; inspection*
*25500-25520 Hazardous materials release response plans; inventory*
*108100-108515 California Hazardous Substances Act*
*LABOR CODE*
*6360-6363 Hazardous Substances Information and Training Act*
*6380-6386 List of hazardous substances*
*CODE OF REGULATIONS, TITLE 8*
*339 List of hazardous substances*
*3203 Illness and injury prevention program*
*3204 Records of employee exposure to toxic or harmful substances*
*5139-5230 Control of hazardous substances, especially*
*5154.1-5154.2 Ventilation*
*5161 Definitions*
*5162 Emergency eyewash and shower equipment*
*5163 Control of spills*
*5164 Storage of hazardous substances*
*5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan*
*5194 Hazard communication*
*CODE OF REGULATIONS, TITLE 22*
*67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*
*Science Safety Handbook for California Public Schools, 2012*
*CALIFORNIA OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT PUBLICATIONS*
*Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Department of Education: http://cde.ca.gov*
*California Office of Environmental Health Hazard Assessment: http://www.oehha.ca.gov*
*Department of Industrial Relations, Cal/OSHA: http://www.dir.ca.gov/dosh*



## UNMANNED AIRCRAFT SYSTEMS (DRONES)

The Governing Board recognizes that unmanned aircraft or aerial systems (drones) may be a useful tool to enhance the instructional program and assist with district operations. In order to avoid disruption and maintain the safety, security, and privacy of students, staff, and visitors, any person or entity desiring to use a drone on or over district property shall submit a written request for permission to the Superintendent or designee.

*(cf. 1330 - Use of School Facilities)*
*(cf. 1330.1 - Joint Use Agreements)*
*(cf. 5142 - Safety)*

A small *unmanned aircraft system* or drone is an aircraft weighing less than 55 pounds that is operated remotely without the possibility of direct human intervention from within or on the aircraft and the associated elements, including communication links and controls, required for the pilot to operate the aircraft safely and efficiently. It does not include model aircraft or rockets such as those which are radio controlled and used only for hobby or recreational purposes. (49 USC 40101 Note; 14 CFR 107.3)

The Superintendent or designee may grant permission to district employees and students for the use of drones only if the planned activity supports instructional, co-curricular, extracurricular, athletic, or operational purposes. Such uses may include, but are not limited to, instruction in science, technology, engineering, and math (STEM), the arts, or other subjects; maintenance of grounds and facilities; and campus security. When used for instructional purposes, there shall be a clear and articulable connection between drone technology and the course curriculum. Students shall only operate a drone on or over district property under the supervision of a district employee as part of an authorized activity.

The Superintendent or designee may grant permission to other persons or entities under terms and conditions to be specified in a memorandum of understanding.

Any person or entity requesting to operate a drone on or over district property, including a district employee, shall provide a description of the type of operation requested, flight location, date and time of the planned flight, anticipated duration, and whether photos and/or video will be taken. As applicable, the applicant shall also present a copy of his/her Certificate of Waiver or Authorization or exemption issued by the Federal Aviation Administration.

Any person or entity, other than a district employee or student, who is requesting or operating a drone on or over district property shall agree to hold the district harmless from any claims of harm to individuals or property resulting from the operation of the drone and provide proof of adequate liability insurance covering such use.

*(cf. 3530 - Risk Management/Insurance)*

**UNMANNED AIRCRAFT SYSTEMS (DRONES)** (continued)

In determining whether to grant permission for the requested use of a drone, the Superintendent or designee shall consider the intended purpose of the activity and its potential impact on safety, security, and privacy. The decision of the Superintendent or designee shall be final.

Any person authorized to use a drone on district property shall sign an acknowledgment that he/she understands and will comply with the terms and conditions of the district's policy, federal law and regulations, state law, and any local ordinances related to the use of drones.

When any use of drones is authorized, the Superintendent or designee shall notify the drone operator of the following conditions:

1. The operator is responsible for complying with applicable federal, state, and/or local laws and regulations, including federal safety regulations pursuant to 14 CFR 107.15-107.51 which include, but are not limited to, requirements that the drone not be flown at night, above 400 feet in altitude, or over any people unless they are in a covered structure or stationary vehicle. The operator shall maintain the visual line of sight with the drone at all times.

2. Drones may not be flown on district property that is within 5 miles of an airport unless the following conditions are met:

    a. The operator must receive prior approval from the airport operator and the airport air traffic control tower.

    b. The operator must get prior approval from the FAA before flying in any controlled air space.

3. The drone shall be kept away from any area reasonably considered private, including, but not limited to, restrooms, locker rooms, and individual homes.

4. The district reserves the right to rescind the authorization for use of drones at any time.

The Superintendent or designee may remove any person engaged in unauthorized drone use on district property and/or may confiscate the drone. He/she may also shut down the operation of any authorized drone use whenever the operator fails to comply with the terms of the authorization or the use interferes with district activity, creates electronic interference, or poses unacceptable risks to individuals or property.

*(cf. 3515.2 - Disruptions)*

Any student or staff member violating this policy shall be subject to disciplinary action in accordance with district policies and procedures.

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

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
*(cf. 5144 - Discipline)*
*(cf. 5144.1 - Suspension and Expulsion/Due Process))*

*Legal Reference: (see next page)*



**UNMANNED AIRCRAFT SYSTEMS (DRONES)** (continued)

*Legal Reference:*
*UNITED STATES CODE, TITLE 49*
*40101 Note Unmanned aircraft systems*
*CODE OF FEDERAL REGULATIONS, TITLE 14*
*107.1-107.205 Small unmanned aircraft systems, especially:*
*107.12 Requirement for a remote pilot certificate with a small UAS rating*
*107.15-107.51 Operating rules; safety*
*107.53-107.79 Remote pilot certification*

*Management Resources:*
*FEDERAL AVIATION ADMINISTRATION PUBLICATIONS*
*Educational Use of Unmanned Aircraft Systems (UAS), Memorandum, May 4, 2016*
*WEB SITES*
*Federal Aviation Administration: https://www.faa.gov/uas*

# EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The Governing Board recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The district shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on district students, staff, and schools.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

*(cf. 0400 - Comprehensive Plans)*
*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 3516.3 - Earthquake Emergency Procedure System)*

In developing the disaster preparedness plan, the Superintendent or designee shall involve district staff at all levels, including administrators, district police or security officers, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, he/she shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

*(cf. 0420 - School Plans/Site Councils)*
*(cf. 1220 - Citizen Advisory Committees)*
*(cf. 3513.3 - District Police/Security Department)*

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

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

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

*(cf. 1330 - Use of School Facilities)*



**EMERGENCIES AND DISASTER PREPAREDNESS PLAN** (continued)

District employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*
*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*

*Legal Reference:*

*EDUCATION CODE*
*32001 Fire alarms and drills*
*32040 Duty to equip school with first aid kit*
*32280-32289 School safety plans*
*32290 Safety devices*
*39834 Operating overloaded bus*
*46390-46392 Emergency average daily attendance in case of disaster*
*49505 Natural disaster; meals for homeless students; reimbursement*
*CIVIL CODE*
*1714.5 Release from liability for disaster service workers and shelters*
*GOVERNMENT CODE*
*3100-3109 Public employees as disaster service workers; oath or affirmation*
*8607 Standardized emergency management system*
*CALIFORNIA CONSTITUTION*
*Article 20, Section 3 Oath or affirmation*
*CODE OF REGULATIONS, TITLE 5*
*550 Fire drills*
*560 Civil defense and disaster preparedness plans*
*CODE OF REGULATIONS, TITLE 19*
*2400-2450 Standardized emergency management system*
*UNITED STATES CODE, TITLE 42*
*12101-12213 Americans with Disabilities Act*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*
*Crisis Response Box, 2000*
*CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS*
*Active Shooter Awareness Guidance, February 2018*
*State of California Emergency Plan, 2017*
*School Emergency Response: Using SEMS at Districts and Sites, June 1998*
*FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS*
*National Incident Management System, 3rd ed., October 2017*
*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*
*Guide for Developing High-Quality School Emergency Operations Plans, 2013*

*Management Resources continued: (see next page)*



**EMERGENCIES AND DISASTER PREPAREDNESS PLAN** (continued)

*Management Resources: (continued)*

*WEB SITES*

*CSBA: http://www.csba.org*
*American Red Cross: http://www.redcross.org*
*California Attorney General's Office: https://oag.ca.gov*
*California Department of Education, Crisis Preparedness: http://www.cde.ca.gov/ls/ss/cp*
*California Governor's Office of Emergency Services: http://www.caloes.ca.gov*
*California Seismic Safety Commission: http://www.seismic.ca.gov*
*Centers for Disease Control and Prevention: http://www.cdc.gov*
*Federal Emergency Management Agency: http://www.fema.gov*
*U.S. Department of Education, Emergency Planning: http://www2.ed.gov/admins/lead/safety/crisisplanning.html*
*U.S. Department of Homeland Security: http://www.dhs.gov*

# EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The Superintendent or designee shall ensure that district and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

*(cf. 3516.1 - Fire Drills and Fires)*

2. Earthquake, flood, or other natural disasters

*(cf. 3516.3 - Earthquake Emergency Procedure System)*

3. Environmental hazards, such as leakages or spills of hazardous materials

*(cf. 3514 - Environmental Safety)*
*(cf. 3514.2 - Integrated Pest Management)*

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

*(cf. 3515.2 - Disruptions)*
*(cf. 3515.7 - Firearms on School Grounds)*
*(cf. 5131.4 - Student Disturbances)*

5. Bomb threat or actual detonation

*(cf. 3516.2 - Bomb Threats)*

6. Biological, radiological, chemical, and other activities, or heightened warning of such activities

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

*(cf. 5141.22 - Infectious Diseases)*

The Superintendent or designee shall ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities

*(cf. 3513.3 - District Police/Security Department)*
*(cf. 3515 - Campus Security)*
*(cf. 3517 - Facilities Inspection)*
*(cf. 3530 - Risk Management/Insurance)*

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN** (continued)

2. Instruction for district staff and students regarding emergency plans, including:

   a. Training of staff in first aid and cardiopulmonary resuscitation

   b. Regular practice of emergency procedures by students and staff

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

3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

   a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site

   b. Individuals responsible for specific duties

   c. Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans

   d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation

   e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:

   a. Identification of areas of responsibility for the supervision of students

   b. Procedures for the evacuation of students and staff, including posting of evacuation routes

   c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible

*(cf. 5141 - Health Care and Emergencies)*
*(cf. 5142 - Safety)*

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN** (continued)

d. Identification of transportation needs, including a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety

*(cf. 3543 - Transportation Safety and Emergencies)*

e. Provision of a first aid kit to each classroom

f. Arrangements for students and staff with special needs

*(cf. 4032 - Reasonable Accommodation)*
*(cf. 6159 - Individualized Education Program)*
*(cf. 6164.6 - Identification and Education Under Section 504)*

g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

*(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)*
*(cf. 4261.1 - Personal Illness/Injury Leave)*
*(cf. 5113 - Absences and Excuses)*
*(cf. 6183 - Home and Hospital Instruction)*

5. Closure of schools, including an analysis of:

a. The impact on student learning and methods to ensure continuity of instruction

b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

*(cf. 3516.5 - Emergency Schedules)*

6. Communication among staff, parents/guardians, the Governing Board, other governmental agencies, and the media during an emergency, including:

a. Identification of spokesperson(s)

*(cf. 1112 - Media Relations)*

b. Development and testing of communication platforms, such as hotlines, telephone trees, web sites, social media, and electronic notifications

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN** (continued)

*(cf. 1113 - District and School Web Sites)*
*(cf. 1114 - District-Sponsored Social Media)*

c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand

d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians

7. Cooperation with other state and local agencies, including:

a. Development of guidelines for law enforcement involvement and intervention

b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

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

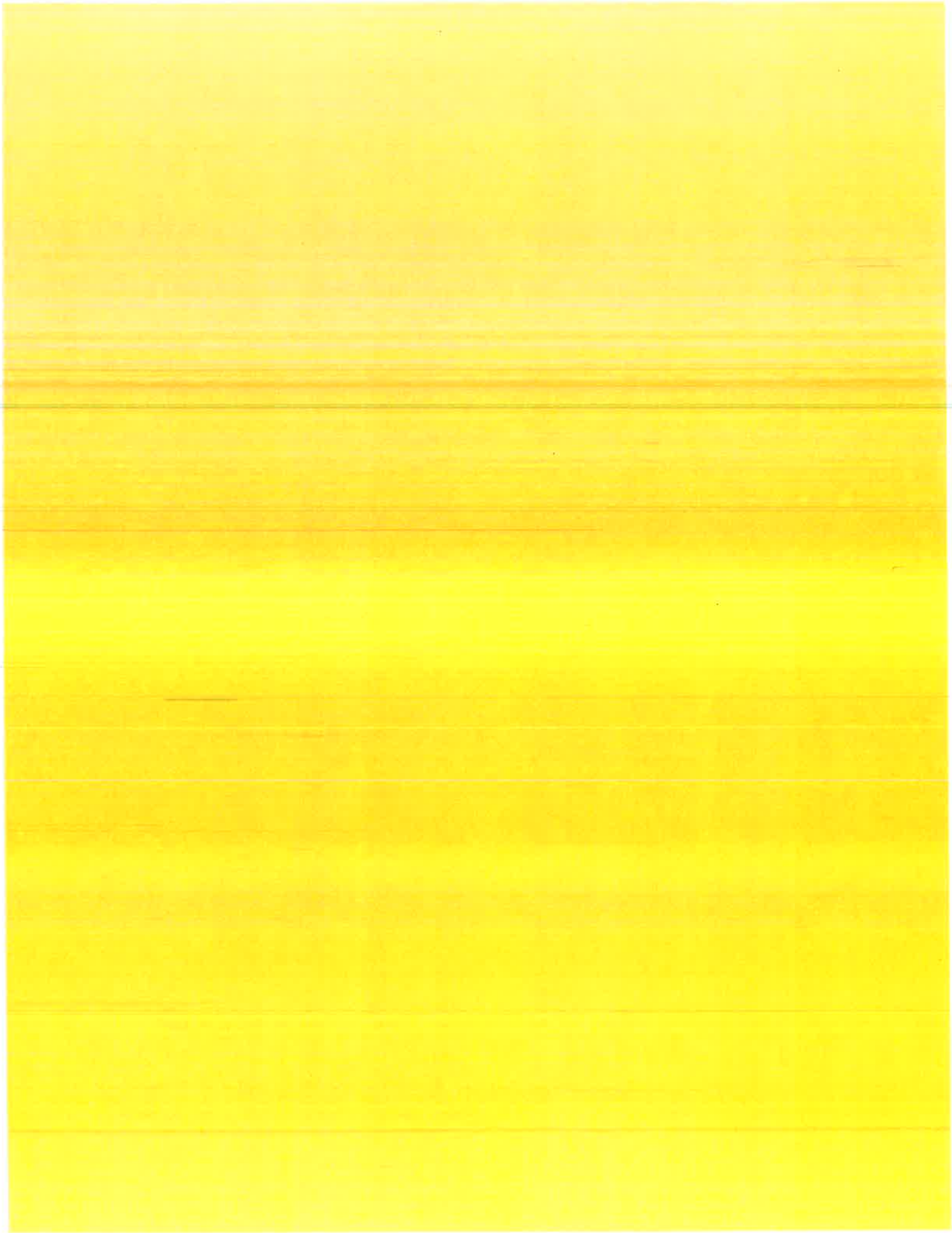
8. Steps to be taken after the disaster or emergency, including:

a. Inspection of school facilities

b. Provision of mental health services for students and staff, as needed

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

The Superintendent or designee shall assemble key information that would be needed in an emergency. Such information may include, but is not limited to, a list of individuals and organizations who should be contacted for assistance in an emergency, current layouts and blueprints of school buildings, aerial photos of the campus, maps of evacuation routes and alternate routes, a roster of employees with their work locations, student photographs and their emergency contact information, a clearly labeled set of keys, location of first aid supplies, and procedures and locations for turning off fire alarms, sprinklers, utilities, and other systems. Such information shall be stored in a box in a secure, easily accessible location, with a duplicate kept at another location in case the primary location is inaccessible.



**All Personnel** BP 4158(a)
4258
4358

**EMPLOYEE SECURITY**

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 3515 - Campus Security)*
*(cf. 5131.4 - Student Disturbances)*

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or his/her parent/guardian to recover damages to the employee or his/her property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of his/her duties. (Education Code 48904, 48905)

*(cf. 3320 - Claims and Actions Against the District)*
*(cf. 3515.4 - Recovery for Property Loss or Damage)*
*(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)*
*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

The Superintendent or designee shall ensure that employees receive training in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

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

The Superintendent or designee also shall inform teachers, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

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

**EMPLOYEE SECURITY** (continued)

### Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities, except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately

2. Immediately notify the principal, who shall take appropriate action

3. Immediately call 911 and the principal

*(cf. 3515.7 - Firearms on School Grounds)*
*(cf. 5131.7 - Weapons and Dangerous Instruments)*
*(cf. 5144 - Discipline)*
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

*Legal Reference: (see next page)*

**EMPLOYEE SECURITY** (continued)

*Legal Reference:*

*EDUCATION CODE*
*32210-32212 Willful disturbance, public schools or meetings*
*32225-32226 Communication devices*
*35208 Liability insurance*
*35213 Reimbursement for loss, destruction or damage of school property*
*44014 Report of assault by pupil against school employee*
*44807 Duty concerning conduct of students*
*48201 Transfer of student records*
*48900-48926 Suspension or expulsion*
*49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion*
*49330-49335 Injurious objects*
*CIVIL CODE*
*51.7 Freedom from violence or intimidation*
*CODE OF CIVIL PROCEDURE*
*527.8 Workplace violence safety*
*GOVERNMENT CODE*
*995-996.4 Defense of public employees*
*3543.2 Scope of representation*
*PENAL CODE*
*71 Threatening public officers and employees and school officials*
*240-246.3 Assault and battery, especially:*
*241.3 Assault against school bus drivers*
*241.6 Assault on school employee including board member*
*243.3 Battery against school bus drivers*
*243.6 Battery against school employee including board member*
*245.5 Assault with deadly weapon against school employee including board member*
*290 Registration of sex offenders*
*601 Trespass by person making credible threat*
*626-626.11 School crimes*
*646.9 Stalking*
*22810 Purchase, possession, and use of tear gas*
*WELFARE AND INSTITUTIONS CODE*
*827 Juvenile court proceedings; reports; confidentiality*
*828.1 District police or security department, disclosure of juvenile records*
*COURT DECISIONS*
*City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526*

*Management Resources:*

*WEB SITES*
*CSBA: http://www.csba.org*

*California Department of Education, Safe Schools and Violence Prevention Office:*
*http://www.cde.ca.gov/ls/ss*

Policy adopted: CSBA MANUAL MAINTENANCE SERVICE
May 2018

# EMPLOYEE SECURITY

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

*(cf. 5131.7 - Weapons and Dangerous Instruments)*
*(cf. 5144 - Discipline)*

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against him/her by a student or by any other individual in relation to the employee's performance of his/her duties, and any action the employee took in response. When appropriate, the employee and the principal or other immediate supervisor shall report the incident to law enforcement.

*(cf. 3515.2 - Disruptions)*

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

*(cf. 3320 - Claims and Actions Against the District)*
*(cf. 3515.4 - Recovery for Property Loss or Damage)*
*(cf. 3530 - Risk Management/Insurance)*

## Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

*(cf. 5125 - Student Records)*
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

**EMPLOYEE SECURITY** (continued)

**Notice Regarding Student Offenses Committed While Outside School Jurisdiction**

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

*(cf. 3515.3 - District Police/Security Department)*

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal shall also inform any teacher or administrator directly supervising or reporting on the student's behavior or progress whom he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

**EMPLOYEE SECURITY** (continued)

**Procedures to Maintain Confidentiality of Student Offenses**

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee. He/she shall also initial the student's file when reviewing it in the school office.

**Use of Pepper Spray**

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense.

2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

# ADMISSION

The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

*(cf. 1112 - Media Relations)*
*(cf. 1113 - District and School Web Sites)*
*(cf. 1114 - District-Sponsored Social Media)*
*(cf. 5116.1 - Intradistrict Open Enrollment)*
*(cf. 5117 - Interdistrict Attendance)*
*(cf. 5118 - Open Enrollment Act Transfers)*

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

## Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

*(cf. 5111.1 - District Residency)*
*(cf. 5125 - Student Records)*
*(cf. 5141.3 - Health Examinations)*
*(cf. 5141.31 - Immunizations)*
*(cf. 5141.32 - Health Screening for School Entry)*

The district shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or his/her family members. (Education Code 234.7, 49076.7)

**ADMISSION** (continued)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*
*(cf. 5145.13 - Response to Immigration Enforcement)*
*(cf. 5145.3 - Nondiscrimination/Harassment)*

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a district school shall not be denied on the basis of any such information of the student or his/her parents/guardians obtained by the district, or the student's or parent/guardian's refusal to provide such information to the district.

School registration information shall list all possible means of documenting a child's age for grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative document allowed by the district shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigrant status.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or his/her inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*
*(cf. 6173.2 - Education of Children of Military Families)*
*(cf. 6173.3 - Education for Juvenile Court School Students)*

*Legal Reference: (see next page)*

**ADMISSION** (continued)

*Legal Reference:*

*EDUCATION CODE*
*234.7 Student protections relating to immigration and citizenship status*
*46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten*
*46600 Agreements for admission of students desiring interdistrict attendance*
*48000 Minimum age of admission (kindergarten)*
*48002 Evidence of minimum age required to enter kindergarten or first grade*
*48010 Minimum age of admission (first grade)*
*48011 Admission from kindergarten or other school; minimum age*
*48050-48053 Nonresidents*
*48200 Children between ages of 6 and 18 years (compulsory full-time education)*
*48350-48361 Open Enrollment Act*
*48645.5 Enrollment of former juvenile court school students*
*48850-48859 Educational placement of homeless and foster youth*
*49076 Access to records by persons without written consent or under judicial order*
*49076.7 Student records; data privacy; social security numbers*
*49408 Information of use in emergencies*
*49452.9 Health care coverage options and enrollment assistance*
*49700-49703 Education of children of military families*
*HEALTH AND SAFETY CODE*
*120325-120380 Education and child care facility immunization requirements*
*121475-121520 Tuberculosis tests for students*
*CODE OF REGULATIONS, TITLE 5*
*200 Promotion from kindergarten to first grade*
*201 Admission to high school*
*CODE OF REGULATIONS, TITLE 17*
*6000-6075 School attendance immunization requirements*
*UNITED STATES CODE, TITLE 5*
*552a Note Refusal to disclose social security number*
*UNITED STATES CODE, TITLE 42*
*11431-11435 McKinney-Vento Homeless Assistance Act*
*COURT DECISIONS*
*Plyler v. Doe, 457 U.S. 202 (1982)*

*Management Resources: (see next page)*

**ADMISSION** (continued)

*Management Resources:*

*CSBA PUBLICATIONS*

*Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017*

*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*

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

*U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS*

*Dear Colleague Letter: School Enrollment Procedures, May 8, 2014*

*Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014*

*Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014*

*WEB SITES*

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

*California Department of Education, Health Care Coverage and Enrollment Assistance: http://www.cde.ca.gov/ls/he/hc*

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

*U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/about/offices/list/ocr*

*U.S. Department of Justice: https://www.justice.gov*



# ADMISSION

## Age of Admittance to Kindergarten and First Grade

At the beginning of each school year, the Superintendent or designee shall enroll any eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Code 48000, 48010)

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. (Education Code 48000)

*(cf. 5123 - Promotion/Acceleration/Retention)*
*(cf. 6170.1 - Transitional Kindergarten)*

On a case-by-case basis, a child who will turn five years old in a given school year may be enrolled in kindergarten or TK at any time during that school year with the approval of the child's parent/guardian, provided that: (Education Code 48000)

1. The Governing Board determines that admittance is in the best interest of the child.

2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall make a recommendation to the Board regarding whether a child should be granted early entry to kindergarten. In doing so, the Superintendent or designee shall consider various factors including the availability of classroom space and any negotiated maximum class size.

*(cf. 6151 - Class Size)*
*(cf. 7111 - Evaluating Existing Buildings)*

## Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth

2. A duly attested baptism certificate

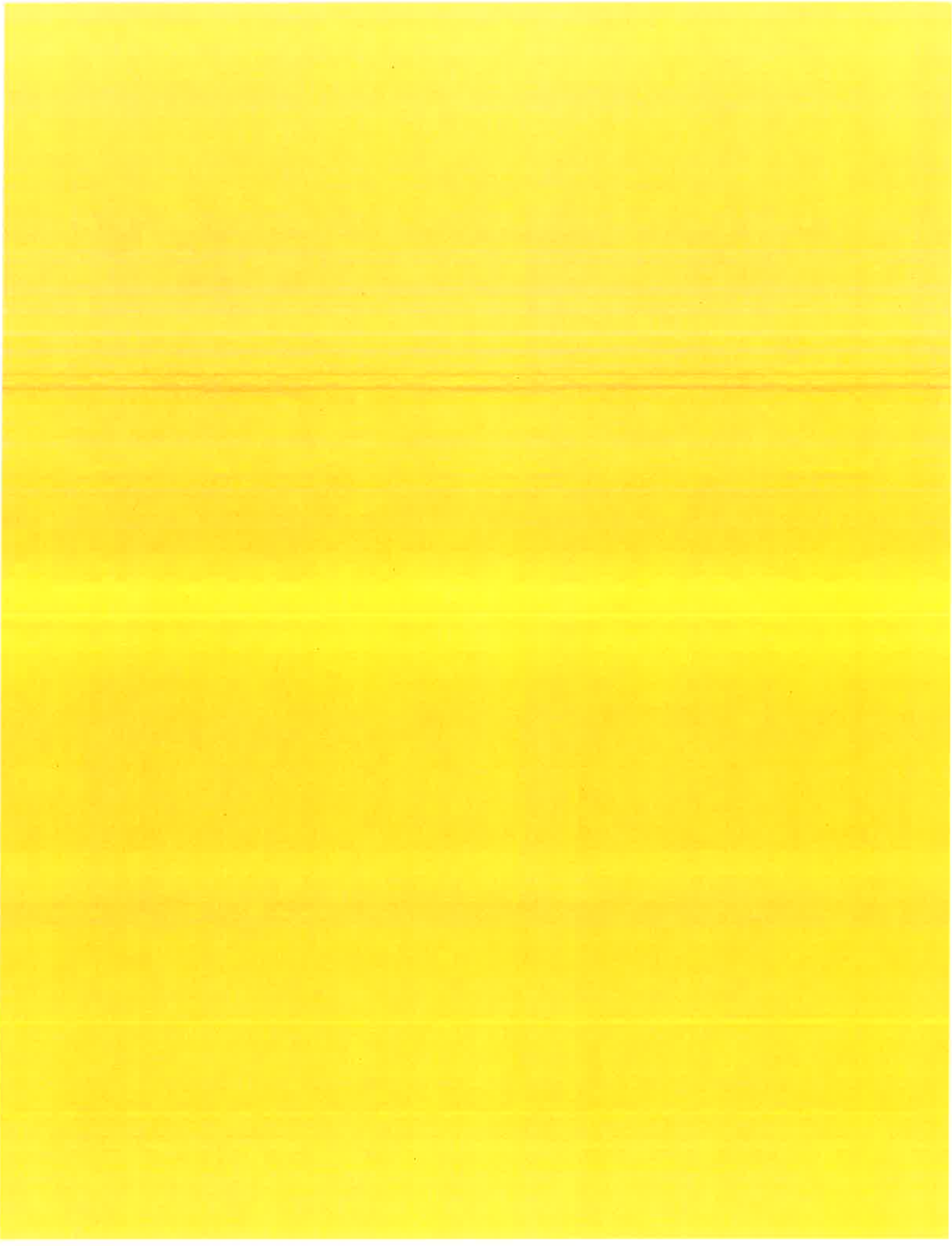
3. A passport



**ADMISSION** (continued)

4. When none of the above documents is obtainable, an affidavit of the parent/guardian

5. Other means prescribed by the Board



# DISTRICT RESIDENCY

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

*(cf. 5116 - School Attendance Boundaries)*

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

*(cf. 5116.1 - Intradistrict Open Enrollment)*
*(cf. 5117 - Interdistrict Attendance)*
*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

*(cf. 5111 - Admission)*
*(cf. 5125 - Student Records)*

When establishing students' residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

*(cf. 5145.13 - Response to Immigration Enforcement)*

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

## Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

BP 5111.1(b)

**DISTRICT RESIDENCY** (continued)

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

**Appeal of Enrollment Denial**

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

**OPTION 1:** In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

~~**OPTION 2:** In an appeal of the Superintendent's determination that district residency requirements were not met, the Board shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision at its next regularly scheduled meeting following the parent/guardian's request for the appeal. The Board's decision shall be final.~~



**DISTRICT RESIDENCY** (continued)

**Enrollment Not Requiring District Residency**

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

*(cf. 5111.2 - Nonresident Foreign Students)*
*(cf. 6145.6 - International Exchange)*

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

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

*Legal Reference: (see next page)*

**DISTRICT RESIDENCY** (continued)

*Legal Reference:*

*EDUCATION CODE*
*220 Prohibition of discrimination*
*234.7 Student protections relating to immigration and citizenship status*
*35160.5 Intradistrict open enrollment*
*35351 Assignment of students to particular schools*
*46600-46611 Interdistrict attendance permits*
*48050-48054 Nonresidents*
*48200-48208 Compulsory education law, especially:*
*48204 Residency requirements*
*48204.1-48204.4 Evidence of residency*
*48300-48317 Student attendance alternatives, school district of choice program*
*48350-48361 Open Enrollment Act transfers*
*48645.5 Former juvenile court school students, enrollment*
*48852.7 Education of homeless students; immediate enrollment*
*48853.5 Education of foster youth; immediate enrollment*
*48980 Notifications at beginning of term*
*52317 Regional occupational program, admission of persons including nonresidents*
*FAMILY CODE*
*6550-6552 Caregivers*
*GOVERNMENT CODE*
*6205-6210 Confidentiality of residence for victims of domestic violence*
*CODE OF REGULATIONS, TITLE 5*
*432 Retention of student records*
*UNITED STATES CODE, TITLE 8*
*1229c Immigration and Nationality Act*
*UNITED STATES CODE, TITLE 42*
*11431-11435 McKinney-Vento Homeless Assistance Act*
*COURT DECISIONS*
*Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47*

*Plyler v. Doe*, 457 U.S. 202 (1982)

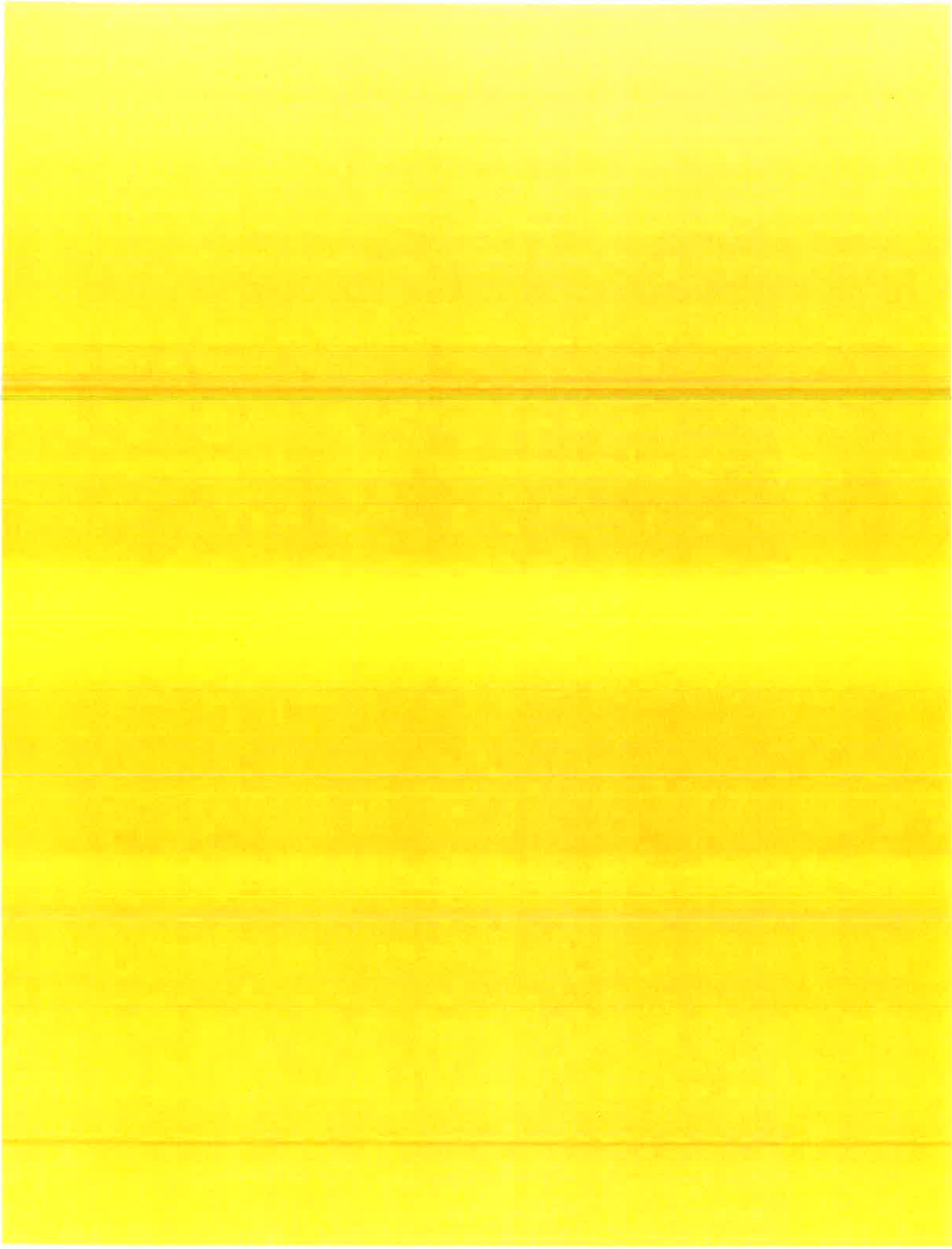
*Management Resources: (see next page)*



**DISTRICT RESIDENCY** (continued)

*Management Resources:*

*CSBA PUBLICATIONS*
*Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017*
*Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014*
*CALIFORNIA ATTORNEY GENERAL'S OFFICE PUBLICATIONS*
*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*
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*WEB SITES*
*CSBA: http://www.csba.org*
*California Department of Education: http://www.cde.ca.gov*
*California Office of the Attorney General: http://oag.ca.gov*
*California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome*
*U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/ocr*
*U.S. Department of Justice: https://www.justice.gov*



# DISTRICT RESIDENCY

## Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

3. The student is admitted through an interdistrict attendance option. (Education Code 46600, 48204, 48301, 48356)

*(cf. 5117 - Interdistrict Attendance)*
*(cf. 5118 - Open Enrollment Act Transfers)*

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

*(cf. 6183 - Home and Hospital Instruction)*

~~8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)~~

8. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)

*(cf. 6173.2 - Education of Children of Military Families)*

9. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the



**DISTRICT RESIDENCY** (continued)

parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

*(cf. 5145.13 - Response to Immigration Enforcement)*

~~**Residency Based on Parent/Guardian Employment (Allen Bill Transfers)**~~

~~District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)~~

~~1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.~~

~~2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.~~

~~3. Other circumstances exist that are not arbitrary.~~

~~Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.~~

~~Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)~~

~~The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)~~

**DISTRICT RESIDENCY** (continued)

**Proof of Residency**

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

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

~~A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.~~

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)



**DISTRICT RESIDENCY** (continued)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*
*(cf. 6173.3 - Education for Juvenile Court School Students)*

**Safe at Home/Confidential Address Program**

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

*(cf. 3580 - District Records)*



# OPEN/CLOSED CAMPUS

## OPTION 1: Open Campus

In order to give students an opportunity to demonstrate responsibility, independent judgment, and positive citizenship, the Governing Board establishes an open campus at all district high schools in which students shall have the privilege of leaving campus during lunch.

The principal or designee shall ensure that students granted this privilege meet any eligibility requirements established by the district.

The district shall send written notification to parents/guardians about the open campus policy at the beginning of the school year along with the parental notification required by Education Code 48980. Such notification shall include the language prescribed by Education Code 44808.5.

*(cf. 5145.6 - Parental Notifications)*

Students shall not leave school grounds at any other time during the school day without express permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

*(cf. 5112.1 - Exemptions from Attendance)*
*(cf. 5113 - Absences and Excuses)*
*(cf. 5113.1 - Chronic Absence and Truancy)*
*(cf. 5113.11 - Attendance Supervision)*
*(cf. 5113.12 - District School Attendance Review Board)*

The principal or designee may revoke the open campus privilege for individual students for disciplinary reasons.

*(cf. 5144 - Discipline)*

## OPTION 2: Closed Campus

In order to keep students in a supervised, safe, and orderly environment, the Governing Board establishes a closed campus at all district schools.

Students shall not leave school grounds at any time during the school day without express permission of school authorities. Students who leave school without authorization shall be considered to have an unexcused absence and be subject to disciplinary action.

*(cf. 5112.1 - Exemptions from Attendance)*
*(cf. 5113 - Absences and Excuses)*
*(cf. 5113.1 - Chronic Absence and Truancy)*
*(cf. 5113.11 - Attendance Supervision)*

**OPEN/CLOSED CAMPUS** (continued)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

*(cf. 5144 - Discipline)*

*Legal Reference:*

*EDUCATION CODE*
*35160 Authority of the board*
*35160.1 Broad authority of school district*
*44808.5 Permission for students to leave school grounds; notice*
*48980 Annual notification to parents/guardians*

# STUDENT RECORDS

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

*(cf. 3580 - District Records)*
*(cf. 4040 - Employee Use of Technology)*
*(cf. 5125.1 - Release of Directory Information)*
*(cf. 5125.3 - Challenging Student Records)*

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

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

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

*(cf. 5145.13 - Response to Immigration Enforcement)*

The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling

**STUDENT RECORDS** (continued)

such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

**Student Records from Social Media**

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 5131.2 - Bullying)*
*(cf. 5145.6 - Parental Notifications)*
*(cf. 9322 - Agenda/Meeting Materials)*
*(cf. 9323 - Meeting Conduct)*

**Contract for Digital Storage, Management, and Retrieval of Student Records**

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

*(cf. 3312 - Contracts)*

*Legal Reference: (see next page)*

**STUDENT RECORDS** (continued)

*Legal Reference:*

*EDUCATION CODE*
*234.7 Student protections relating to immigration and citizenship status*
*17604 Contracts*
*48201 Student records for transfer students who have been suspended/expelled*
*48853.5 Foster youth; placement, immunizations*
*48902 Notification of law enforcement of specified violations*
*48904-48904.3 Withholding grades, diplomas, or transcripts*
*48918 Rules governing expulsion procedures*
*48980 Parental notifications*
*48985 Notices in parent/guardian's primary language*
*49060-49079 Student records*
*49091.14 Parental review of curriculum*
*51747 Independent study*
*56041.5 Rights of students with disabilities*
*56050 Surrogate parents*
*56055 Foster parents*
*69432.9 Cal Grant program; notification of grade point average*
*BUSINESS AND PROFESSIONS CODE*
*22580-22582 Digital privacy*
*22584-22585 Student Online Personal Information Protection Act*
*22586-22587 Early Learning Personal Information Protection Act*
*CODE OF CIVIL PROCEDURE*
*1985.3 Subpoena duces tecum*
*FAMILY CODE*
*3025 Access to records by noncustodial parents*
*6552 Caregiver's authorization affidavit*
*GOVERNMENT CODE*
*6252-6260 Inspection of public records*
*HEALTH AND SAFETY CODE*
*120440 Immunizations; disclosure of information*
*PENAL CODE*
*245 Assault with deadly weapon*
*WELFARE AND INSTITUTIONS CODE*
*681 Truancy petitions*
*701 Juvenile court law*
*16010 Health and education records of a minor*
*CODE OF REGULATIONS, TITLE 5*
*430-438 Individual student records*
*16020-16027 Destruction of records of school districts*
*UNITED STATES CODE, TITLE 20*
*1232g Family Educational Rights and Privacy Act*
*1232h Protection of Pupil Rights Amendment*
*UNITED STATES CODE, TITLE 26*
*152 Definition of dependent child*
*UNITED STATES CODE, TITLE 42*
*11434a McKinney-Vento Homeless Assistance Act; definitions*

*Legal Reference continued: (see next page)*

**STUDENT RECORDS** (continued)

*Legal Reference: (continued)*

*CODE OF FEDERAL REGULATIONS, TITLE 16*
*Part 312 Children's Online Privacy Protection Rule*
*CODE OF FEDERAL REGULATIONS, TITLE 34*
*99.1-99.67 Family Educational Rights and Privacy*
*300.501 Opportunity to examine records for parents of student with disability*

*Management Resources:*

*CSBA PUBLICATIONS*
*Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017*
*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*
*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*
*FEDERAL REGISTER*
*Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855*
*NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS*
*Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014*
*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*
*IDEA and FERPA Confidentiality Provisions, 2014*
*Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008*
*Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Department of Education: http://www.cde.ca.gov*
*National School Boards Association: http://www.nsba.org*
*U.S. Department of Education, Family Policy Compliance, http://www.ed.gov/policy/gen/guid/fpco*



# STUDENT RECORDS

## Definitions

*Student* means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

*Attendance* includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

*Student records* are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

*(cf. 5125.1 - Release of Directory Information)*

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

*(cf. 3515 - Campus Security)*
*(cf. 3515.3 - District Police/Security Department)*

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

*Mandatory permanent student records* are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

*Mandatory interim student records* are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

**STUDENT RECORDS** (continued)

*Permitted student records* are those records having clear importance only to the current educational process of the student. (5 CCR 430)

*Disclosure* means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

*Access* means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

*Personally identifiable information* includes, but is not limited to: (34 CFR 99.3)

1. The student's name

2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

*Adult student* is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

*Parent/guardian* means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

**STUDENT RECORDS** (continued)

*Legitimate educational interest* is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

*School officials and employees* are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

*Contractor or consultant* is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

*Custodian of records* is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

*County placing agency* means the county social service department or county probation department. (Education Code 49061)

**Persons Granted Absolute Access**

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

*(cf. 6159 - Individualized Education Program)*

**Access for Limited Purpose/Legitimate Educational Interest**

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

**STUDENT RECORDS** (continued)

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

*(cf. 5113.1 - Chronic Absence and Truancy)*
*(cf. 5113.12 - District School Attendance Review Board)*

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

   Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when requested, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. 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)

   No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years,

**STUDENT RECORDS** (continued)

that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

   Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

**STUDENT RECORDS** (continued)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

*(cf. 6164.6 - Identification and Education Under Section 504)*
*(cf. 6173.1 - Education for Foster Youth)*

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

*(cf. 6173 - Education for Homeless Children)*

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

**STUDENT RECORDS** (continued)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

    When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

    In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

**STUDENT RECORDS** (continued)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

*(cf. 5021 - Noncustodial Parents)*

**Discretionary Access**

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

   When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

   Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

   a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

   b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

**STUDENT RECORDS** (continued)

c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

*(cf. 3600 - Consultants)*

7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

**De-identification of Records**

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior

**STUDENT RECORDS** (continued)

consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

**Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, the parent/guardian shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

**STUDENT RECORDS** (continued)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

**Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The custodian of records shall also make an entry in the log regarding any request for records that was denied and the reason for the denial.

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state or federal officials. (Education Code 49064; 5 CCR 432)

**Duplication of Student Records**

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to

**STUDENT RECORDS** (continued)

two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

*(cf. 3260 - Fees and Charges)*

**Changes to Student Records**

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

*(cf. 5125.3 - Challenging Student Records)*

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

*(cf. 5145.3 - Nondiscrimination/Harassment)*

**Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student

2. Date and place of birth and method of verifying birth date

*(cf. 5111 - Admission)*

3. Sex of student

4. Name and address of parent/guardian of minor student

    a. Address of minor student if different from the above

**STUDENT RECORDS** (continued)

b. Annual verification of parent/guardian's name and address and student's residence

*(cf. 5111.1 - District Residency)*

5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

*(cf. 5141.31 - Immunizations)*

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

*(cf. 5141.32 - Health Screening for School Entry)*

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

*(cf. 6159 - Individualized Education Program)*
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

**STUDENT RECORDS** (continued)

5. Language training records

*(cf. 6174 - Education for English Learners)*

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

*(cf. 6162.51 - State Academic Achievement Tests)*

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

*(cf. 6158 - Independent Study)*

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine disciplinary data

*(cf. 5144 - Discipline)*

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

**STUDENT RECORDS** (continued)

**Transfer of Student Records**

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

*(cf. 4158/4258/4358 - Employee Security)*
*(cf. 5119 - Students Expelled From Other Districts)*

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

**Notification of Parents/Guardians**

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of

**STUDENT RECORDS** (continued)

their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

*(cf. 5145.6 - Parental Notifications)*

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein

2. The title(s) of the official(s) responsible for maintaining each type of record

3. The location of the log identifying those who request information from the records

4. District criteria for defining school officials and employees and for determining legitimate educational interest

5. District policies for reviewing and expunging student records

6. The right to inspect and review student records and the procedures for doing so

7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

8. The cost, if any, charged for duplicating copies of records

9. The categories of information defined as directory information pursuant to Education Code 49073

10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

*(cf. 5020 - Parent Rights and Responsibilities)*

**STUDENT RECORDS** (continued)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

**Student Records from Social Media**

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety

2. Provide a student with access to any information that the district obtained from his/her social media activity and an opportunity to correct or delete such information

3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first

4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:

**STUDENT RECORDS** (continued)

a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian

b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first



## RELEASE OF DIRECTORY INFORMATION

### Definition

*Directory information* means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

*(cf. 1113 - District and School Web Sites)*
*(cf. 1114 - District-Sponsored Social Media)*

*Directory information* does not include a student's social security number or student identification number. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

*Directory information* also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

**RELEASE OF DIRECTORY INFORMATION** (continued)

**Notification to Parents/Guardians**

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information, how to refuse release, and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

*(cf. 5125 - Student Records)*
*(cf. 5145.6 - Parental Notifications)*

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parental consent or a court order.

*(cf. 5145.13 - Response to Immigration Enforcement)*

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

**Parent/Guardian Consent**

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded. (34 CFR 99.37)



**RELEASE OF DIRECTORY INFORMATION**

## PARENT/GUARDIAN NOTICE
## RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that _____(district name)_____, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:

- a playbill, showing your child's role in a drama production
- the annual yearbook
- honor roll or other recognition lists
- graduation programs
- sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to provide military recruiters, upon request, with students' names, addresses, and telephone listings, unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by _____(insert date)_____. The district has designated the following information as directory information:

1. Name

2. Address

3. Telephone number

4. Email address

5. Date of birth

**RELEASE OF DIRECTORY INFORMATION** (continued)

6. Major field of study

7. Participation in officially recognized activities and sports

8. Weight and height of athletic team members

9. Dates of attendance

10. Degrees and awards received

11. Most recent previous school attended

The district also may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, provided it cannot be used to access education records without a personal identification number (PIN), password, or other factor that only the authorized user knows. Your child's social security number will not be used for this purpose.

Directory information does not include your child's citizenship status, immigration status, place of birth, or any other information indicating national origin. The district will not disclose such information without your consent or a court order.

# BULLYING

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

*(cf. 5131 - Conduct)*
*(cf. 5136 - Gangs)*
*(cf. 5145.3 - Nondiscrimination/Harassment)*
*(cf. 5145.7 - Sexual Harassment)*
*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 5145.2 - Freedom of Speech/Expression)*
*(cf. 6163.4 - Student Use of Technology)*

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

*(cf. 0420 - School Plans/Site Councils)*
*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 0460 - Local Control and Accountability Plan)*
*(cf. 1220 - Citizen Advisory Committees)*
*(cf. 6020 - Parent Involvement)*

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

*(cf. 1020 - Youth Services)*

## Bullying Prevention

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

**BULLYING** (continued)

positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

*(cf. 5137 - Positive School Climate)*

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

*(cf. 6142.8 - Comprehensive Health Education)*
*(cf. 6142.94 - History-Social Science Instruction)*

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

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

1. Discuss the diversity of the student body and school community, including their varying immigration experiences

2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims

3. Identify the signs of bullying or harassing behavior

4. Take immediate corrective action when bullying is observed

5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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

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

**BULLYING** (continued)

**Intervention**

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

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

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

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

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

**Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully

**BULLYING** (continued)

or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

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

**Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

**Discipline**

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

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

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

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

*Legal Reference: (see next page)*

**BULLYING** (continued)

*Legal Reference:*

*EDUCATION CODE*
*200-262.4 Prohibition of discrimination*
*32282 Comprehensive safety plan*
*32283.5 Bullying; online training*
*35181 Governing board policy on responsibilities of students*
*35291-35291.5 Rules*
*48900-48925 Suspension or expulsion*
*48985 Translation of notices*
*52060-52077 Local control and accountability plan*
*PENAL CODE*
*422.55 Definition of hate crime*
*647 Use of camera or other instrument to invade person's privacy; misdemeanor*
*647.7 Use of camera or other instrument to invade person's privacy; punishment*
*653.2 Electronic communication devices, threats to safety*
*CODE OF REGULATIONS, TITLE 5*
*4600-4687 Uniform complaint procedures*
*UNITED STATES CODE, TITLE 47*
*254 Universal service discounts (e-rate)*
*CODE OF FEDERAL REGULATIONS, TITLE 28*
*35.107 Nondiscrimination on basis of disability; complaints*
*CODE OF FEDERAL REGULATIONS, TITLE 34*
*104.7 Designation of responsible employee for Section 504*
*106.8 Designation of responsible employee for Title IX*
*110.25 Notification of nondiscrimination on the basis of age*
*COURT DECISIONS*
*Wynar v. Douglas County School District, (2013) 728 F.3d 1062*
*J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094*
*Lavine v. Blaine School District, (2002) 279 F.3d 719*

*Management Resources:*

*CSBA PUBLICATIONS*
*Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014*
*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*
*Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012*
*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*
*Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009*
*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*
*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*
*California's Social and Emotional Learning: Guiding Principles, 2018*
*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008*
*Bullying at School, 2003*
*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*
*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018*

*Management Resources continued: (see next page)*

**BULLYING** (continued)

*Management Resources: (continued)*

*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*
*Guidance to Schools: Bullying of Students with Disabilities, October 2014*
*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*
*Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010*
*Dear Colleague Letter: Harassment and Bullying, October 2010*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss*
*California Office of the Attorney General: http://oag.ca.gov*
*Center on Great Teachers and Leaders: https://gtlcenter.org*
*Collaborative for Academic Social and Emotional Learning: https://casel.org*
*Common Sense Media: http://www.commonsensemedia.org*
*National School Safety Center: http://www.schoolsafety.us*
*Partnership for Children and Youth: https://www.partnerforchildren.org*
*U.S. Department of Education: http://www.ed.gov*



# HEALTH SCREENING FOR SCHOOL ENTRY

## Comprehensive Health Screening for Grades K-1

The parent/guardian of a student in kindergarten or first grade shall submit to the Superintendent or designee a certification form developed by the California Department of Health Care Services (DHCS) and signed by the student's health examiner certifying that the student has completed a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter. (Health and Safety Code 124040, 124085)

*(cf. 5111 - Admission)*
*(cf. 5141.3 - Health Examinations)*
*(cf. 6173 - Education for Homeless Children)*
*(cf. 6173.1 - Education for Foster Youth)*
*(cf. 6173.2 - Education of Children of Military Families)*
*(cf. 6173.3 - Education for Juvenile Court School Students)*

The Superintendent or designee shall notify parents/guardians of all kindergarten students of the requirement to obtain a health screening and of the availability of the Child Health and Disability Prevention (CHDP) program established pursuant to Health and Safety Code 124025-124110 to assist eligible low-income families in obtaining the health screening. (Health and Safety Code 124100)

*(cf. 5145.6 - Parental Notifications)*

The notice and certification form shall be included with the notification of immunization requirements provided to parents/guardians prior to their child's enrollment in kindergarten and shall encourage completion of the health screening simultaneously with immunizations. The notice shall also be provided to the parent/guardian of any student who is enrolling in first grade without having attended kindergarten in the district.

*(cf. 5141.31 - Immunizations)*

In lieu of the certification, the parent/guardian may submit a waiver on a form developed by DHCS indicating that he/she does not want or is unable to obtain a health screening. If the waiver indicates that the parent/guardian was unable to obtain the services, the reasons should be included in the waiver. (Health and Safety Code 124085)

The waiver form shall be provided to a parent/guardian upon request.

The completed certification form or the waiver shall be maintained in the student's health file or cumulative record. (5 CCR 432)

*(cf. 5125 - Student Records)*

**HEALTH SCREENING FOR SCHOOL ENTRY** (continued)

During the first 90 days of the school year, the Superintendent or designee may contact any parent/guardian of a first-grade student who has not provided either the certification form or the waiver to ensure that the parent/guardian understands the health screening requirement and, if appropriate, his/her possible eligibility for the CHDP program.

The Superintendent or designee shall exclude from school, for not more than five school days, any first-grade student who does not present evidence of a health screening or a waiver on or before the 90th day after entering first grade. The exclusion shall begin on the 91st day after the student's entrance into the first grade, or if school is not in session, then on the next succeeding school day. (Health and Safety Code 124105)

The Superintendent or designee may exempt a student from exclusion when his/her parents/guardians have been contacted at least twice between the first day and the 90th day after the student's enrollment in first grade and the parents/guardians refuse to provide either a certification form or a waiver. (Health and Safety Code 124105)

*(cf. 5112.2 - Exclusions from Attendance)*

**Oral Health Assessment for Grades K-1**

No later than May 31 of the school year, the parent/guardian of any kindergarten student or of any first-grade student who was not previously enrolled in a public school shall certify that the student has received an oral health assessment. The oral health assessment shall have been performed by a licensed dentist or other authorized dental health professional no earlier than 12 months prior to the date of the student's initial enrollment. (Education Code 49452.8)

The Superintendent or designee shall notify parents/guardians of students in grades K-1 of the oral health assessment requirement. The notification shall, at a minimum, consist of a letter that includes all of the following: (Education Code 49452.8)

1. An explanation of the administrative requirements of the law

2. Information on the importance of primary teeth

3. Information on the importance of oral health to overall health and to learning

4. A toll-free telephone number to request an application for Medi-Cal or other government-subsidized health insurance programs

5. Contact information for county public health departments

6. A statement of privacy applicable under state and federal laws and regulations

**HEALTH SCREENING FOR SCHOOL ENTRY** (continued)

The notification, along with a copy of the certification form developed by the California Department of Education, shall be provided to parents/guardians when they register their child for school.

Following completion of the assessment, the parent/guardian shall submit to the Superintendent or designee a completed certification form which has been signed by the dental health professional.

A parent/guardian may be excused from complying with the oral health assessment requirements if he/she indicates on the certification form that the assessment could not be completed for any of the following reasons: (Education Code 49452.8)

1. Completion of an assessment poses an undue financial burden on the parent/guardian.

2. The parent/guardian lacks access to a licensed dentist or other dental health professional.

3. The parent/guardian does not consent to an assessment.

If the district hosts a free oral health assessment event at which licensed dentists or other licensed dental health professionals perform school site assessments of students enrolled in the school, any student who has not had an oral health assessment shall be given an assessment unless his/her parent/guardian has indicated on the certification form that he/she does not consent to the student receiving an assessment. However, a student shall not receive dental treatment of any kind without his/her parent/guardian's informed consent for the treatment. (Education Code 49452.8)

Students who are not assessed, or for whom the parents/guardians fail to return the certification form, shall not be excluded from school attendance.

By July 1 of each year, the Superintendent or designee shall report data on oral health assessments to the state dental director and/or the county office of education in accordance with Education Code 49452.8.

The report shall also be provided to the Governing Board. The identity of any student shall not be included in the report.

*Legal Reference: (see next page)*

## HEALTH SCREENING FOR SCHOOL ENTRY (continued)

*Legal Reference:*

*EDUCATION CODE*
*48985 Notice to parents in language other than English*
*49060-49079 Student records*
*49452.8 Oral health assessment*
*HEALTH AND SAFETY CODE*
*104395 Child Health and Disability Prevention Program expansion*
*124025-124110 Child Health and Disability Prevention Program, especially:*
*124085 Certificate documenting health screening and evaluation services; waiver by parent/guardian*
*124100 Distribution of program information to parents/guardians of kindergarten children*
*124105 Exclusions and exemption; legislative intent of notification contents*
*CODE OF REGULATIONS, TITLE 5*
*432 Student records*
*CODE OF REGULATIONS, TITLE 17*
*6800-6874 Child Health and Disability Prevention Program*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS*
*Child Health & Disability Prevention (CHDP) Program: Oral Health Educational Resources for Children and Teens (6-20 years), rev. July 2013*
*CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Dental Association: http://www.cda.org*
*California Department of Education, Health Services: http://www.cde.ca.gov/ls/he/hn*
*California Department of Health Care Services, Child Health and Disability Prevention Program: http://www.dhcs.ca.gov/services/chdp*
*California Healthy Kids Resource Center: https://www.ccrcca.org/resources/family-resource-directory/item/california-healthy-kids-resource-center*

# HATE-MOTIVATED BEHAVIOR

The Governing Board is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*
*(cf. 0450 - Comprehensive Safety Plan)*
*(cf. 3515.4 - Recovery for Property Loss or Damage)*
*(cf. 5131- Conduct)*
*(cf. 5131.2 - Bullying)*
*(cf. 5131.5 - Vandalism and Graffiti)*
*(cf. 5136 - Gangs)*
*(cf. 5137 - Positive School Climate)*
*(cf. 5141.52 - Suicide Prevention)*
*(cf. 5145.3 - Nondiscrimination/Harassment)*
*(cf. 5145.7 - Sexual Harassment)*

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

*(cf. 1020 - Youth Services)*
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*
*(cf. 1700 - Relations Between Private Industry and the Schools)*
*(cf. 5148.2 - Before/After School Programs)*

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*
*(cf. 6142.3 - Civic Education)*
*(cf. 6142.4 - Service Learning/Community Service Classes)*
*(cf. 6142.94 - History-Social Science Instruction)*

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

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

**HATE-MOTIVATED BEHAVIOR** (continued)

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

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

**Complaint Process**

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

*(cf. 3515.3 - District Police/Security Department)*
*(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)*

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

*(cf. 1312.1 - Complaints Concerning District Employees)*
*(cf. 1312.3 - Uniform Complaint Procedures)*
*(cf. 5144 - Discipline)*
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*Legal Reference: (see next page)*

**HATE-MOTIVATED BEHAVIOR** (continued)

*Legal Reference:*

*EDUCATION CODE*
*200-262.4 Prohibition of discrimination*
*32282 School safety plans*
*48900.3 Suspension for hate violence*
*48900.4 Suspension or expulsion for threats or harassment*
*PENAL CODE*
*422.55 Definition of hate crime*
*422.6 Crimes, harassment*
*CODE OF REGULATIONS, TITLE 5*
*4600-4670 Uniform eomplaint procedures*
*4900-4965 Nondiscrimination in elementary and secondary education programs*
*CODE OF FEDERAL REGULATIONS, TITLE 28*
*35.107 Nondiscrimination on basis of disability; complaints*
*CODE OF FEDERAL REGULATIONS, TITLE 34*
*100.3 Prohibition of discrimination on basis of race, color or national origin*
*104.7 Designation of responsible employee for Section 504*
*106.8 Designation of responsible employee for Title IX*
*110.25 Prohibition of discrimination based on age*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*
*Bullying at School, 2003*
*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*
*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018*
*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*
*Dear Colleague Letter: Harassment and Bullying, October 2010*
*Dear Colleague Letter: Prohibited Disability Harassment, July 2000*
*WEB SITES*
*CSBA: http://www.csba.org*
*California Association of Human Relations Organizations: http://www.cahro.org*
*California Department of Education: http://www.cde.ca.gov*
*California Office of the Attorney General: http://oag.ca.gov*
*U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr*
*U.S. Department of Justice: https://www.justice.gov*

# EDUCATION FOR ENGLISH LEARNERS

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

*(cf. 0460 - Local Control and Accountability Plan)*
*(cf. 3100 - Budget)*

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

*(cf. 0420 - School Plans/Site Councils)*
*(cf. 1220 - Citizen Advisory Committees)*
*(cf. 6020 - Parent Involvement)*

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.

*(cf. 6011 - Academic Standards)*
*(cf. 6141 - Curriculum Development and Evaluation)*
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*
*(cf. 6161.11 - Supplementary Instructional Materials)*
*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

*(cf. 4112.22 - Staff Teaching English Learners)*

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

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

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

To support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

**Identification and Assessment**

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

*(cf. 6162.51 - State Academic Achievement Tests)*

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

*(cf. 6162.5 - Student Assessment)*

**Language Acquisition Programs**

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. The district may offer a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

*(cf. 6142.2 - World/Foreign Language Instruction)*

2. The district may offer a transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

*(cf. 6151 - Class Size)*

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

*(cf. 5145.6 - Parental Notifications)*

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

**Reclassification**

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

**Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English

2. The number and percentage of English learners reclassified as fluent English proficient

3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1

4. The achievement of English learners on standards-based tests in core curricular areas

5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309

6. Progress toward any other goals for English learners identified in the district's LCAP

7. A comparison of current data with data from at least the previous year in regard to items #1-6 above

8. A comparison of data between the different language acquisition programs offered by the district

**EDUCATION FOR ENGLISH LEARNERS** (continued)

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

*Legal Reference:*

*EDUCATION CODE*
*300-340 English language education, especially:*
*305-310 Language acquisition programs*
*313-313.5 Assessment of English proficiency*
*430-446 English Learner and Immigrant Pupil Federal Conformity Act*
*33050 State Board of Education waiver authority*
*42238.02-42238.03 Local control funding formula*
*44253.1-44253.11 Qualifications for teaching English learners*
*48980 Parental notifications*
*48985 Notices to parents in language other than English*
*52052 Numerically significant student subgroups*
*52060-52077 Local control and accountability plan*
*52160-52178 Bilingual Bicultural Act*
*56305 CDE manual on English learners with disabilities*
*60603 Definition, recently arrived English learner*
*60640 California Assessment of Student Performance and Progress*
*60810-60812 Assessment of language development*
*62002.5 Continuation of advisory committee after program sunsets*
*CODE OF REGULATIONS, TITLE 5*
*854.1-854.3 CAASPP and universal tools, designated supports, and accommodations*
*854.9 CASSPP and unlisted resources for students with disabilities*
*11300-11316 English learner education*
*11510-11517.5 California English Language Development Test*
*11517.6-11519.5 English Language Proficiency Assessments for California*
*UNITED STATES CODE, TITLE 20*
*1412 Individuals with Disabilities Education Act; state eligibility*
*1701-1705 Equal Educational Opportunities Act*
*6311 Title I state plan*
*6312 Title I local education agency plans*
*6801-7014 Title III, language instruction for English learners and immigrant students*
*7801 Definitions*
*CODE OF FEDERAL REGULATIONS, TITLE 34*
*100.3 Discrimination prohibited*
*200.16 Assessment of English learners*
*COURT DECISIONS*
*Valeria O. v. Davis, (2002) 307 F.3d 1036*
*California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141*
*McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196*
*Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698*
*ATTORNEY GENERAL OPINIONS*
*83 Ops.Cal.Atty.Gen. 40 (2000)*

*Management Resources: (see next page)*

## EDUCATION FOR ENGLISH LEARNERS (continued)

*Management Resources:*

*CSBA PUBLICATIONS*

*English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018*

*English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017*

*English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016*

*English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016*

*English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018*

*Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017*

*Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017*

*Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015*

*Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015*

*English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014*

*Common Core State Standards for Mathematics, rev. 2013*

*English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012*

*THE EDUCATION TRUST- WEST PUBLICATIONS*

*Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018*

*Unlocking Learning: Science as a Lever for English Learner Equity, January 2017*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017*

*Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017*

*English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016*

*English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016*

*Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015*

*WEB SITES*

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

*California Association for Bilingual Education: http://www.gocabe.org*

*California Department of Education: http://www.cde.ca.gov/sp/el*

*National Clearinghouse for English Language Acquisition: http://www.ncela.us*

*The Education Trust-West: https://west.edtrust.org*

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

# EDUCATION FOR ENGLISH LEARNERS

## Definitions

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

*Designated English language development* means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

*Integrated English language development* means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

*Native speaker of English* means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

## Identification and Assessments

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)



**EDUCATION FOR ENGLISH LEARNERS** (continued)

The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)

*(cf. 6159 - Individualized Education Program)*
*(cf. 6162.51 - State Academic Achievement Tests)*
*(cf. 6164.6 - Identification and Education Under Section 504)*

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

*(cf. 5145.6 - Parental Notifications)*

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program

2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement

3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:

a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction



**EDUCATION FOR ENGLISH LEARNERS** (continued)

b. The manner in which the program will meet the educational strengths and needs of the student

c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation

d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable

e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards

5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request

6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available

7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

**Language Acquisition Programs**

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in

accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.





2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:

   a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program

   b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

   c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators

   d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program.

If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion



**EDUCATION FOR ENGLISH LEARNERS** (continued)

2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English

3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development

4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language

6. The process to request establishment of a language acquisition program not offered at the school

7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

**Reclassification/Redesignation**

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers

2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)



**EDUCATION FOR ENGLISH LEARNERS** (continued)

The measures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student

3. Parent/guardian opinion and consultation

   The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least ~~two~~ four years following their reclassification to determine whether the student needs any additional academic support.

**Advisory Committee**

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English

learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The district's English language advisory committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a plan for education programs and services for English learners, taking into consideration the school site plans for English learners

2. The districtwide needs assessment on a school-by-school basis

3. Establishment of a district program, goals, and objectives for programs and services for English learners



**EDUCATION FOR ENGLISH LEARNERS** (continued)

4. Development of a plan to ensure compliance with applicable teacher or aide requirements

5. Administration of the annual language census

6. Review of and comment on the district's reclassification procedures

*(cf. 0420 - School Plans/Site Councils)*
*(cf. 1220 - Citizen Advisory Committees)*
*(cf. 5020 - Parent Rights and Responsibilities)*
*(cf. 6020 - Parent Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**LCAP Advisory Committee**

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

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

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

Regulation approved:

CSBA MANUAL MAINTENANCE SERVICE
July 2018

# BOARD POLICIES

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to students, staff, parents/guardians, and the community.

*(cf. 9000 - Role of the Board)*

The Board shall ensure that district policies align with the district's vision and goals, promote student learning and achievement, provide for consistent and fair treatment of students and staff, and proactively address equity and the provision of equal access to opportunities for all students.

*(cf. 0000 - Vision)*
*(cf. 0100 - Philosophy)*
*(cf. 0415 - Equity)*
*(cf. 0460 - Local Control and Accountability Plan)*

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements. No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

*(cf. 2210 - Administrative Discretion Regarding Board Policy)*

Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

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

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

*(cf. 5116.1 - Intradistrict Open Enrollment)*
*(cf. 6145 - Extracurricular and Cocurricular Activities)*

## Policy Development and Adoption Process

The district's policy development process shall include the following basic steps:

**BOARD POLICIES** (continued)

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision statement, new goals in the local control and accountability plan, educational research or trends, an incident that has arisen in the district, or a recommendation or request from staff, a parent/guardian, or other interested person.

2. As needed, the Superintendent or designee shall gather fiscal data, staff and public input, related district policies, sample policies from the California School Boards Association or other organizations or agencies, and other useful information and data to fully inform the Board about a particular issue.

*(cf. 1220 - Citizen Advisory Committees)*

3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, community expectations, staff recommendations, and the expected impact of the policy on student learning and well-being, equity, governance, and the district's fiscal resources and operational efficiency.

4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

*(cf. 9323 - Meeting Conduct)*

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

*(cf. 9323.2 - Actions by the Board)*

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or the desire to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date if so designated by the Board at the time of adoption.

### Board Bylaws

The Board shall prescribe and enforce rules for its own governance consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

### Administrative Regulations

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other provisions. The Superintendent or designee may also develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding administrative regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve administrative regulations for the purpose of ensuring conformity with the intent of Board policy.

### Monitoring and Evaluation

At any time, the Board and Superintendent or designee may determine that progress reports to the Board on the implementation and/or effectiveness of the policy should be scheduled. If so, the Board and Superintendent or designee shall agree upon a timeline and, as applicable, measures for evaluating the effectiveness of the policy in achieving its purpose.

*(cf. 0500 - Accountability)*

### Access to Policies

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. The policy manual shall be maintained electronically and/or by paper copy.

*(cf. 1113 - District and School Web Sites)*
*(cf. 1340 - Access to District Records)*

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communication strategy depending on the issue. Policies shall be posted on the district's web site when required by law.

*(cf. 1112 - Media Relations)*
*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*
*(cf. 5145.6 - Parental Notifications)*
*(cf. 6020 - Parent Involvement)*

*Legal Reference:*

*EDUCATION CODE*
*35010 Control of district; prescription and enforcement of rules*
*35160 Authority of governing boards*
*35160.5 Annual review of school district policies*
*35163 Official actions, minutes and journal*
*35164 Vote requirements*

*Management Resources:*

*WEB SITES*
*CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online), Policy Review Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: http://www.csba.org/ps*