



Regular Board Meeting

11/14/2024 06:00 PM

Assembly Hall

1935 Bohemian Highway, Occidental, CA 95465

AGENDA



Scan the above QR code with your phone to view this meeting agenda on your phone.

Closed session begins at 6:00 pm; Open session begins at 7 pm. All documents relating to the following agenda items are available for public review in the Administrative Office of the Harmony Union School District during office hours at least 72 hours prior to the scheduled Board meeting. The Harmony District Board of Education meetings are open to the public, except for certain subjects that are addressed in closed session in accordance with the Ralph M. Brown Act. If anyone wishes to attend and requires special accommodations due to a handicapping condition, as outlined in the Americans with Disabilities Act, please contact the superintendent at least two working days prior to the meeting.

- | | |
|--|----|
| 1. Call to Order | 6 |
| 2. Pledge of Allegiance | 7 |
| 3. Approval of the Agenda | 8 |
| That the board approve the meeting agenda. | |
| 4. Public Comment | 9 |
| <i>For Closed Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.</i> | |
| <i>Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.</i> | |
| 5. Closed Session | 10 |
| A. With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA | 11 |
| B. With respect to every item of business to be discussed in closed session Gov. Code | |



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<i>For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.</i>	
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C. Consideration of Resolution # Item originally presented at the September meeting but did not include the resolution. This item was previously approved by the board.	516
D. Consideration of HUSD Sunshine Openers Sunshine openers for contract negotiations with HUTA. That the board approve the HUSD Sunshine Openers for HUTA contract negotiations	517
E. Consideration of Sunshine Openers from Harmony Union Teachers Association Sunshine openers from Harmony Union Teachers Association for contract negotiations. That the board approve the Sunshine openers from Harmony Union Teachers Association	519



for contract negotiations.

F. Consideration of contract with Aristotle K12 521
Aristotle K12 is a network security company focusing on student safety on district devices and networks.
That the board approve the contract with Aristotle K12.

G. Consideration of Superintendent Contract 522
That the Board approve the Superintendent contract.

11. Next Board Meeting 523
Next regular meeting is December 12 , 2024.

12. Adjournment 524



1. Call to Order



2. Pledge of Allegiance



3. Approval of the Agenda

Recommendation

That the board approve the meeting agenda.

4. Public Comment

Quick Summary / Abstract

For Closed Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.

Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.



5. Closed Session



5. A. With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA



5. B. With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA



5. C. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957.6: Update on Anticipated Litigation items



5. D. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957: Superintendent Review



5. E. With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957: Student Discipline



6. Reconvene to Open Session



6. A. Report out on any action taken during closed session



7. Communication



7. A. Reports



7. A. i. HUTA Report



7. A. ii. Shark Report



7. A. iii. Student Report




7. A. iv. Board Member Reports



7. A. v. Superintendent/Principal's Report

Supporting Documents

 Harmony Handbook 2024-2025 OFFICIAL PAN Comp



Harmony
Union School District

Harmony & Salmon Creek School

Family Handbook
2024-2025

1935 Bohemian Hwy Occidental, CA 95465
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www.harmonyusd.org

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■ABOUT HARMONY

OUR HISTORY

Harmony Union School District covers a large expanse of southwestern Sonoma County. Extending in the east from the outskirts of Sebastopol, west to the town of Bodega, at the south along Bodega Hwy and North to the hills descending to the Russian river valley.

This area was serviced at the turn of the 20th century by multiple rural schoolhouses and separate districts. In the middle of the 20th century, these small districts consolidated into one district, Harmony, reflecting the dreams of the families in the region to share their resources and labors in the common effort of providing quality education for their children. Many generations have since been served, through a dynamic history of changing economics, demographics, and educational development.

The district originally built and occupied a K-8 school in downtown Occidental. In the early 1990's the district built a new middle school site adjacent to Salmon Creek 2 miles south in the Freestone Valley and the 6th through 8th grade were moved. The 50+ acre site included 2nd growth redwood forest upslope and pasture on the flatland as it approached the creek to the west. In 2005, due to declining enrollment, it was determined to move grades K-5 to the Salmon Creek site, returning the program to a single site. The Occidental campus was sold and redeveloped into the Occidental Art Center and housing.

When the lower grades program was brought to join Salmon Creek Middle School, the district chose to reconfigure grade spans and launch Salmon Creek Charter for grades 2 through 8. Grades TK to 1 remained as Harmony Elementary, due a nuance of charter law. Though the school operated with two names, it was one school, one staff, and one community. Over the past 2 decades since reunification, Harmony Elementary and Salmon Creek have pursued a Place Based Learning pedagogy which emphasizes ecological systems awareness, natural history, land stewardship, and agroecology.



Coleman Valley School, c.1960



Freestone School, c. 1960



Occidental School, c.1965



Salmon Creek School, c.1995



OUR MISSION

The Mission of the Harmony Union School District is to provide for the academic, social, and emotional growth of children in a challenging, creative, and safe environment. Harmony Union School District will empower students to become life-long learners, able to make informed decisions, become productive citizens, and responsible stewards of the environment.

OUR GOALS

- Our students will nurture respect for themselves and others, the community, and the environment and its inhabitants.
- Students will practice integrity, responsibility and accountability.
- Students will cultivate a growth mindset, appreciating the opportunity presented by challenging tasks and demonstrating dogged resiliency in the face of struggle.
- Students will explore their world with curiosity, critical thinking, adept problem solving, and creativity.
- Our students will embody compassion and tolerance.
- Students will make meaningful connections between their education and their environment.
- Our students will nourish their health and well being.
- Our students will know the Faculty and Staff practice these same values themselves as educational professionals and caring people.

OUR COMMITMENT

Our staff will approach each child understanding their individual uniqueness; in their personal experience, in their skills and knowledge base, in their unfolding potential and abilities, in their, learning styles and interests, and their cultural and contextual heritage. of each of our students and utilize hands-on activities and technology through integrated instruction.

As the foundation of the school curriculum, place-based learning will enable our students to become effective stewards of their environment. In this process students will become critical and creative thinkers, effective communicators, and problem solvers.

Students will develop the skills necessary to live a healthy lifestyle through comprehensive counseling, school garden, health and Physical Education programs.

Our schools will encourage and support parents in being active partners within the school community and to provide a supportive learning environment at home.

■PLACE BASED LEARNING

VISION

Students graduating from the Harmony Union School District (HUSD) have a deep understanding of their home. As they progress through the grades, students learn about our region's diverse ecosystems and its rich cultural history. Global principles emerge from learning grounded in place. Place-based education uses the local community and environment as a starting point for learning across the curriculum. Because of our school's unique setting, with its acres of redwood forest, creek and grasslands, place-based education is primarily focused on environmental education, but also incorporates history and extends to the community.

Students learn in the context of an integrated curriculum, which is hands-on and relevant. Learning is active and experiential – a vibrant garden program, a campus rich in experiential learning opportunities, classroom connections and the best possible curriculum materials support these goals. Guest speakers, service learning and field trips round out the curriculum. In addition, our students acquire and use skills such as scientific methodology, monitoring techniques, organic gardening, land management and restoration practices.

Embedded in place-based learning at HUSD are our green school values. From site development, energy usage, construction materials, forest management, and sustainability guide all of our decisions from the Board level down. These are transparent to our students, who are integral to the creation and management of these processes and systems. Older students learn by doing the actual work of managing these systems, evaluating their success, and innovating solutions as problems arise.

The school has put many systems in place to support these PBL goals. A Place Based Learning Committee continually generates new PBL goals and evaluates progress. A part-time Place Based Learning Coordinator assists with planning and execution of lessons, activities and programs. A comprehensive Stewardship Plan also guides our process. There is a strong District commitment to the Garden Program, the Garden to Cafeteria Program, and local sourcing of food in the cafeteria. Sustainability guidelines have been adapted to inform development and public bonds, and the District has invested heavily in solar energy, stormwater management, forest management, and water conservation.

We strive to connect PBL to our other school goals. Our academic program is aligned with the NGSS and Common Core standards. Additionally, we expect students to learn a significant body of material beyond these standards, including becoming critical thinkers able to analyze complex, real-world issues such as those connected to climate change. Our intention is to engender in students a sense of stewardship for their environment and responsibility to their community and beyond. We strive to create and deliver an inquiry-based curriculum, which integrates language arts, math, science, social studies, technology and the arts. Our units of study build upon each other, and students' understanding of material and methodology is regularly assessed.



A strong sense of local history, community and current events:

HUSD students have a solid knowledge of the region’s early indigenous people; including their settlement patterns and practices. They have an understanding of how land ownership has changed hands over time, and the various contributions and impacts of the subsequent populations. They are aware of current issues we face in this area, and can speak knowledgeably about them.



A solid understanding and use of scientific methodology:

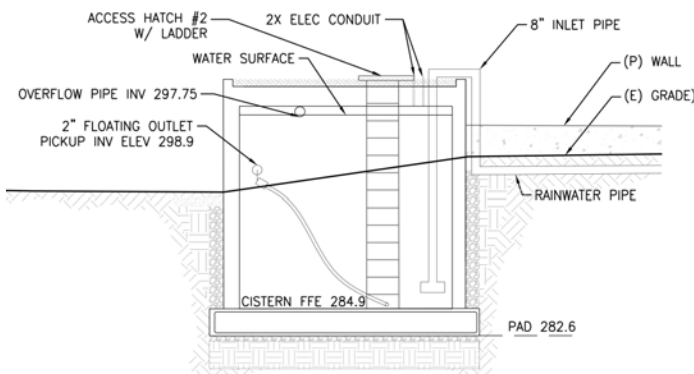
HUSD students have many opportunities to work with each other, their teachers and scientists in the community to investigate real-world issues. Through data collection, measurement, monitoring, experimentation, and data analysis, students gain first hand experience with scientific methodology.

Systems thinking:

Students graduating from HUSD are systems-thinkers, with a solid foundational understanding of ecological principles.

A predilection toward environmental stewardship and advocacy:

Students study science in terms of our relationship and responsibility to the earth and in the context of ecological “best practices” – recycling, composting, appropriate technology, conscious land management practices, and climate advocacy. They participate in service learning and get first-hand experiences with leadership and volunteerism through various projects in the community and at school during their years here. It is our belief that (continued/continually?) connecting to place plants the seeds of a relationship with self, other and our environment -- in hopes of cultivating a care, respect, and responsibility for our world.



SCHOOL CALENDAR



2024-2025 Harmony Union School District Calendar

141	School Day (Full Length)
142	School Day (Minimum Length)
0	Summer School Day
6	Teacher In Service Day (No Students)
27	Holiday/Break (No Students)
2	Emergency Day (No Students Unless Needed)
155	Summer Vacation or Weekend (No Students)

July 2024						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Jul 4 Fourth of July

January 2025						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Dec 23-Jan 3 Winter Break
Jan 6 Teacher PD Day
Jan 20 Martin Luther King Day

August 2024						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Aug 12 Teacher Work Day
Aug 13 Teacher PD Day
Aug 14 All Staff PD/Work Day
Aug 15 First Day of School
Aug 26-29 Class Meetings
Aug 30 Welcome Back Dinner

February 2025						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

Feb 10 Observe Lincoln's Day
Feb 11-14 Conference Week
Feb 17 Presidents Day
Feb 28 End of Trimester 2

September 2024						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Sep 2 Labor Day

March 2025						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Mar 14-21 Spring Break

October 2024						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Oct 4 Fall Festival
Oct 7-11 Conference Week

April 2025						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Apr 11 Spring Festival
April 18 Emergency Day*
April 21 Emergency Day*

*OFF Unless Needed

November 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Nov 8 Teacher PD Day
Nov 9 End of Trimester 1
Nov 11 Observe Veterans Day
Nov 25-29 Thanksgiving Break

May 2025						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

May 26 Memorial Day

December 2024						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Dec 18 Winter Festival
Dec 23-Jan 3 Winter Break

June 2025						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Jun 5 Last Day of School
Jun 6 All Staff Work Day
Jun 8 Graduation
Jun 16-Jul 30 Summer School
Jun 19 Juneteenth

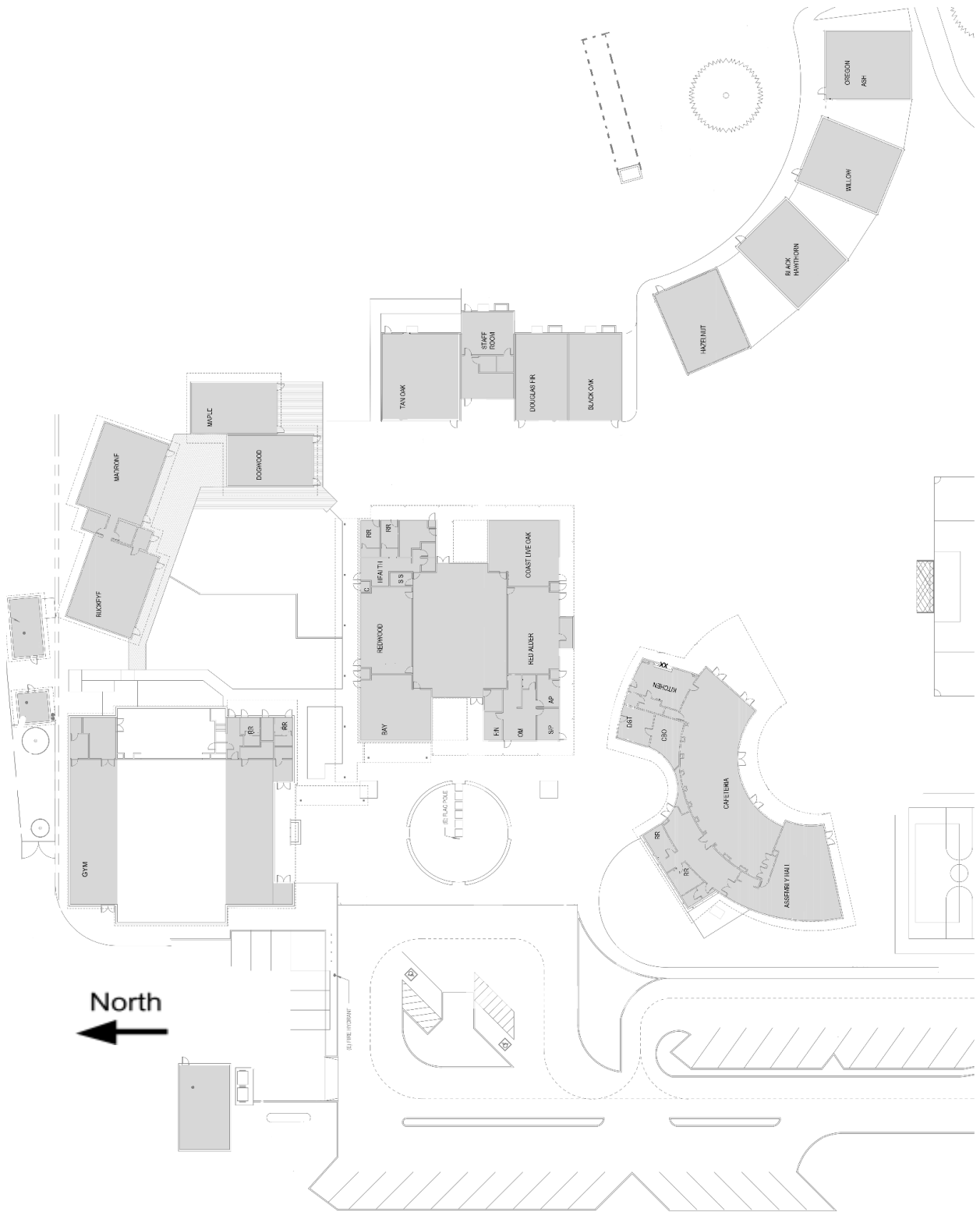
EVENTS CALENDAR

Event	Date	Location	Start	End	Open to Public	Parent/Caregiver Role
August 2024						
Welcome Back Tea TK, K	August 14	Kindergarten	2:00 PM	3:00 PM	Harmony Families	Participants
Welcome Flower Ceremony	August 15	Meadow	10:30 AM	11:00 AM	Harmony Families	Volunteers & Audience
Welcome Dinner & Parent/Caregiver Orientation	August 23	Falls Building	5:00 PM	7:00 PM	Harmony Families	Participants
Back to School Caregiver Meeting: TK, K, 1st	August 26	Classroom	6:00 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Back to School Caregiver Meeting: 2nd & 3rd	August 27	Classroom	6:00 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Back to School Caregiver Meeting: 4th & 5th	August 28	Classroom	6:00 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Back to School Caregiver Meeting: 6th, 7th & 8th	August 29	Classroom	6:00 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Aspire Assembly	August 29	MPR	10:30 AM	11:00 AM		
Athletics & Band Sign Ups	August 30	Classroom				
September 2024						
Labor Day (No School)	September 2					
Parent Night: Social Emotional Learning	September 18	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Aspire Assembly	September 26	MPR	10:30 AM	11:00 AM		
Farm to School Week (Day 1)	September 30	Garden/Classrooms			Non Public Event	Volunteers
October 2024						
Farm to School Week (Day 2-5)	October 1-4	Garden/Classrooms			Non Public Event	Volunteers
Autumn Festival	October 4	Meadow	8:30 AM	3:00 PM	Harmony Families	Volunteers & Participants
Student Progress Conference Week	October 7 - October 11	Classroom	1:00 PM	3:15 PM	Harmony Parents/Caregivers	Participants
Parent Night: Reading Support at Home	October 16	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Aspire Assembly	October 24	MPR	10:30 AM	11:00 AM		
Halloween Parade	October 31	Meadow	10:30 AM	11:00 AM	Harmony Families	Audience
November 2024						
End of 1st Trimester	November 7					
Teacher PD Day (No School)	November 8					
Veteran's Day (No School)	November 11					
Spirit Week	November 18 - November 22	Schoolwide				
Parent Night: Managing Anxiety	November 20	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Honor Assembly 1st Trimester	November 21	MPR	10:30 AM	11:00 AM	Non Public Event	
Portrait Day	November 22	Assembly Room				
1st Trimester Report Cards Posted	November 22					
Thanksgiving Break (No School)	November 25 - November 29					
December 2024						
Season of Sharing Free Gift Shop	December 7 - December 8	Falls Building	9:00 AM	12:00 PM	Public	Volunteers & Participants
Choir Occidental Tree Lighting	December 7	Occidental	5:00 PM	7:00 PM	Public	Volunteers & Participants
Winter Festival: Concert & Lantern Walk	December 18	MPR/Meadow/Trail	6:00 PM	8:30 PM	Harmony Families	Volunteers & Participants
Aspire Assembly	December 19	MPR	10:30 AM	11:00 AM		
Aftercare Closed	December 19					
Winter Break (No School)	December 23 - December 31					
January 2025						
Winter Break (Continued) (No School)	January 1 - January 3					
Teacher PD Day (No School)	January 6					
Parent Night: Child Development 4-10	January 22	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Aspire Assembly	January 23	MPR	10:30 AM	11:00 AM		
100th Day of School	January 29	Classroom				
Youth Truth Survey	TBD	School/Home			Harmony Parents/Caregivers	Participants
February 2025						
Youth Truth Survey	TBD	School/Home			Harmony Parents/Caregivers	Participants
Lincoln's Day	February 10					
Progress Conference Week	February 11 - February 14	Classroom	1:00 PM	3:15 PM	Harmony Parents/Caregivers	Participants
Student Performance Showcase	February 13	MPR	9:00 AM	11:05 AM	Public	Audience
Presidents' Day	February 17					
Parent Night: Child Dev 10-14 + Puberty	February 19	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Aspire Assembly	February 27	MPR	10:30 AM	11:00 AM		
End of 2nd Trimester	February 28					
March 2025						
Middle School Rehearsal Week	March 3-7	MPR			Non Public Event	Volunteers
Middle School Dress Rehearsal	March 6	MPR	6:30 PM	8:00 PM	Public	Volunteers & Audience
Middle School Play	March 7-9	MPR			Public	Volunteers & Audience
Spirit Week	March 10 - March 14	Schoolwide				
Honor Assembly 2nd Trimester	March 13	MPR	10:30 AM	11:00 AM	Non Public Event	
2nd Trimester Report Cards Posted	March 14					
Spring Break	March 14-21	BREAK				
Parent Night: Strategic Planning / LCAP	March 26	Library			Harmony Parents/Caregivers (Childcare)	Participants

EVENTS CALENDAR (CONTINUED)

April 2025						
Plant Sale	April 7 - April 12	Garden			Public	Volunteers & Participants
Spring Festival	April 11	Meadow	10:30 AM	1:10 PM	Harmony Families	Volunteers & Participants
Emergency Day (No School Unless Activated)	April 18				Non Public Event	
Emergency Day (No School Unless Activated)	April 21				Non Public Event	
Parent Night: Math Support at Home	April 23	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Aspire Assembly	April 24	MPR	10:30 AM	11:00 AM		
Apple Blossom Parade (Band & Cheer)	April 26	Sebastopol	9:00 AM	12:00 PM	Public	Volunteers
Foundation Auction	TBD	Harmony	TBD	TBD	Public	Volunteers & Participants
State CAASPP Testing	April 28 - April 30	Harmony	TBD	TBD	Public	Volunteers & Participants
May 2025						
State CAASPP Testing (Continued)	May 1 - May 26					
Staff Appreciation Week	May 5 - May 9				Non Public Event	Volunteers
Parent Night: Managing Screen Time with Kids	May 6	Library	6:30 PM	8:00 PM	Harmony Parents/Caregivers (Childcare)	Participants
Summer Dance (6th-8th Grade)	May 9	MPR	6:00 PM	8:00 PM	Harmony Parents/Caregivers	Volunteers
Young Writers Showcase	May 14	Library	6:30 AM	8:00 PM	Public	Volunteers & Audience
Open House & Spring Concert	May 21	MPR/Classrooms	6:30 AM	8:00 PM	Public	Participants
Aspire Assembly	May 22	MPR	10:30 AM	11:00 AM		
Open House & Spring Concert	May 21	MPR/Classrooms	6:30 AM	8:00 PM	Public	Participants
Memorial Day (No School)	May 26					
June 2025						
Honor Assembly 3rd Trimester	June 4	MPR	10:30 AM	11:30 AM	Non Public Event	
Summer Festival/Color Run	June 4	Harmony Field	11:30 AM	3:05 AM	Harmony Families	Volunteers & Audience
Farewell Flower Ceremony	June 5	Meadow	10:30 AM	11:00 AM	Harmony Families	Audience
End of 3rd Trimester	June 5					
Graduation	June 6	Harmony Field	6:00 PM	7:30 PM	Public	Volunteers & Audience
3rd Trimester Report Cards Posted	June 13					
Summer Boost Session 1	June 16 - June 30	Classrooms	8:00 AM	5:00 PM		
Juneteenth (No School)	June 19					
Summer Boost Session 2 (Day 1)	June 30	Classrooms	8:00 AM	5:00 PM		
July 2025						
Summer Boost Session 2 (Continued)	July 1 - July 11	Classrooms	8:00 AM	5:00 PM		
4th of July (No School)	July 4					
Summer Boost Session 3 (Continued)	July 14 - July 29	Classrooms	8:00 AM	5:00 PM		

CAMPUS MAP



■ COMMUNICATIONS

SCHOOL NEWSLETTER: “THE LEAFLET”

Harmony publishes a biweekly newsletter that is distributed via email and Parentsquare. Parents may also access the Leaflet through the school's website. The Leaflet provides timely information and important news about upcoming activities.

SCHOOL QUARTERLY

HUSD publishes three seasonal periodicals, featuring major events from the preceding trimester as well as staff and student articles, and deeper dives on topics of interest. Submissions of photos or suggestions for articles are encouraged. Please contact the newsletter staff at newsletter@harmonyusd.org

SCHOOL WEBSITE

The school website is an important part of communications at Harmony. The website serves as an active portal for parents and community members and features news articles, updates on events, board documents and agendas, and the electronic school calendar. Emergency information will also be posted to the website announcing school closures and other important notifications. The website may be accessed at www.harmonyusd.org.

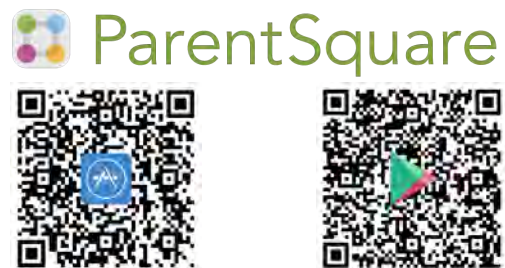
AERIES STUDENT INFORMATION SYSTEM (SIS)

Harmony USD uses the AERIES Student Information System to manage student information and data. A parent portal is a component of the software which includes real time updates on student attendance as well as access to report cards and data verification for keeping your contact information up to date. When a student is enrolled at the school, login information is sent to families via email. If your child is already enrolled in the system, the following link will take you to the Parent Portal: <https://aeries.scoe.org/HarmonyUSD/parent> For questions on the AERIES implementation or support with your account, please contact the office manager.



NOTIFICATIONS & EMERGENCY ALERTS

To streamline communications and ensure rapid delivery of messages for families, HUSD uses ParentSquare. ParentSquare provides text, email and phone notifications as well as a notification app for caregivers providing more control on how and when to receive notifications. Initialization of a Parentsquare account starts as soon as your student is enrolled in the AERIES Student information system described above. An email will be dispatched to the caregivers. Please respond to the email to set up your account. Parentsquare can be accessed via the web or their app, which is available to android and ios.



SCHOOL CALENDAR LINK

The dynamic google calendar provides the most up to date information on events for the school. You may access the calendar on our website or via direct subscription. The following link will allow you to add the Harmony master calendar to your calendar software:

<https://calendar.google.com/calendar/u/0?cid=aW5mb0BoYXJtb255dXNkLm9yZw>

GOOGLE CLASSROOM

Harmony uses google classroom to manage students email accounts, share and collaboratively edit documents, manage course assignments and facilitate communication between teachers and students. Each student is assigned an email address upon enrollment to facilitate access to chromebooks and managed apps. All accounts are subject to district management policies and software and filters to mitigate the risk of misuse of technology. Parents may use student logins to access google classroom when students are working remotely to maintain connection to class developments when absent. Teachers will provide information for students on google classroom usage, which varies from grade to grade.

DONATIONS AND PLEDGES OF SUPPORT

Harmony is a public school that depends upon local fundraising efforts to supplement limited state funding. You are encouraged to support the school through the Salmon Creek Harmony parent association, shARK.

Funding goes directly to our farm to table program, field trips, festivals, enrichment and athletics as well as key student supports such as our aspire program, classroom assistants and counseling. Your pledge is vital to the quality of your child's education. Please visit shARK to give today:

<https://www.harmonyark.org/>

YOUTH TRUTH ANNUAL SURVEY

Harmony surveys the students and community throughout the year to advise various projects including volunteer opportunities, administrative evaluations, and our season of sharing holiday drive. One of the most important surveys, the Youth Truth Survey, is held in winter. Youth Truth is a nationally recognized survey tool that is used by all districts in Sonoma County and enjoys an extensive pool of users statewide. This allows for comprehensive data comparison of key metrics of school progress including student safety, connectedness and academic support. Students in grades 3-8 take the survey, but parents and staff

Youth Truth

STUDENT SURVEY

A NATIONAL NONPROFIT

throughout all grades are asked to respond to the annual survey. Harmony has consistently achieved very high participation rates, which improves our data validity. Information about the survey is distributed in winter. The survey window is typically open for 4 weeks. A general report from the survey is included in subsequent board meetings and the survey data itself informs program planning and budget development for the following year.

INTERPERSONAL COMMUNICATIONS

When communicating with each other the following values and practices will be maintained:

- **Empathy:** Imagining the impact of our words on others is a moral responsibility in communication.
- **Truth:** Communicating known facts as distinct from opinions or rumors is a moral responsibility in communication.
- **Authentic use of emotion:** Fear, anger, and other emotions are part of communication and can be incorporated responsibly without taking them out on another.
- **Restraint:** All communication is for better or worse. Choosing what you say to whom is based on consideration of its impact and necessity.
- **Respect:** In order to maintain respect, communications should consider the value of another's dignity and privacy.

EMAIL COMMUNICATIONS

Email provides a rapid and flexible means of communication, however, email can be a challenging format to communicate compassionate intent while addressing areas of conflict or challenge. Emails are expected to remain civil. Email or social media posts should not be used for personal attacks.

If you are making an inquiry on a basic informational matter, please consider whether the answers to the questions could be obtained from the school website, online calendar, ParentSquare notifications, the *Leaflet*, or other publications, prior to contacting staff.

CONCERNS ABOUT THE CLASSROOM

Please bear in mind that teachers make decisions taking into consideration both the individual child and what best serves the class as a whole. This may require compromise and flexibility on the part of individual students and families.

If you have a concern about your child's experience in the classroom, it is very important that you first approach the teacher for a meeting. Sometimes several discussions may be necessary to continue making progress on problem areas. If a parent feels that this route has not addressed their concerns, the matter should be brought to the Superintendent.

CONCERNS ABOUT SCHOOL POLICY

Your concerns or questions with school policies and procedures should be brought to the Superintendent who is responsible for implementing school policy and is interested in hearing concerns in the community.

ISSUE RESOLUTION

Harmony Union School District is committed to open and direct communication regarding all aspects of the school. In any community misunderstandings or disagreements may occur. In these times, it is important for community members to work together towards an appropriate resolution. The following list includes several steps that may be provided in the process of resolving the conflict.

Step 1 - Communicate concerns directly to the concerned party, when possible.

If there is a concern or disagreement about an incident or experience at Harmony, please contact the staff that was involved or responsible for the area of concern. If there is an obstacle to such contact, or if the communication does not resolve the issue, go to STEP 2.

Step 2 - Seek *Administrator or Counselor support for facilitation

During this stage, the Superintendent will work to bring resolution to the concern. Further investigation of the issues, and development of a plan to support the situation may be pursued. If this approach does not resolve the problem, the Superintendent will forward the concern to the board.

**If the issue is with the superintendent, contact the board chair for facilitation*

■ INFORMATION & SERVICES CONTACTS

ADMISSIONS AND RECORDS

Office Manager Admissions, Enrollment, Transfers, Transcripts and Records
Business Assistant CALPADS, Data management

AFTER SCHOOL PROGRAM

Aftercare Coordinator Sign-Up, Drop-In, Billing

ATTENDANCE & INDEPENDENT STUDY

Office Manager Independent Study, Illness and Health Advisories, Attendance Records
Assistant Principal Truancy, SARB, Support Services
School Counselor School Avoidance Support

BUSINESS SERVICES

Chief Business Officer Service Contracts, Human Resources, Facilities Maintenance
Business Assistant Purchase Orders, Service Contracts, Accounts Payable & Receivable, Fingerprinting

CALENDAR

Superintendent/Principal Master Calendar, Events, Appointment Scheduling
Office Manager Google Calendar Management
Business Assistant Facilities Booking

COMMUNICATIONS & PUBLIC RELATIONS

Office Manager Daily Bulletin, Newsletter Liaison, ParentSquare Notifications, Website
Newsletter Editor Newsletter & Quarterly Journal, Website, Board Minutes
Superintendent/Principal Community Partnerships, Telecommunications, Email, Networking, Website, Notifications

COMMUNITY DEVELOPMENT

Office Manager Back-to-School Night, Open House
Festivals Coordinator Festivals and Events
Class Coordinator Class Parent Meetings, Class Volunteer Coordination, Farmers' Markets
Administrative Assistant Campus Volunteer Coordination

CURRICULUM AND INSTRUCTION

Teacher Instruction, curriculum development, assessment, progress monitoring
Superintendent/Principal Pedagogy and Philosophy, School Curriculum, Master Schedule
Business Assistant Instructional Materials Ordering
Office Manager Report Cards, AERIES Portal Management
School Counselor State Testing Coordination, CAASPP, CELDT, CALPADS
Intervention Teacher 504 Case Management
Assistant Principal SST Meeting Coordination

FIELD TRIPS

Teacher Planning, Coordination, Facilitation
Office Manager Field Trip Forms, Field Trip Scheduling, Driver Validation
Administration Logistical support, emergency response, funding

FUNDRAISING AND COMMUNITY GIVING

SHARK Co Presidents Pledge Program, Donations and Charitable Giving, Annual Auction
Superintendent Principal Grants, General Fundraising Requests
Chief Business Officer Accounts Receivable and data

GOVERNANCE AND BUDGET

School Secretary Board Minutes, Packets, & Agendas
Board Chair Board Committees, Agendas, Board Correspondence
Board Treasurer Budget Oversight
Superintendent Vision and Values, Strategic Planning, Administrative Regulation, Policy

HUMAN RESOURCES

Office Manager Contracts and Payroll
Superintendent Hiring, Professional Development, Evaluation & Mentoring, Dispute & Conflict Resolution, Sexual Harassment & Civil Rights Reporting

INDEPENDENT STUDY

Class Teacher Point of Contact for Request, Develops IS Plan, Assessment and Credit
Office Manager Processes Requests, Enters Absence, Attendance as per completion status

FACILITIES, MAINTENANCE, AND OPERATIONS

Custodian Maintenance and Repair, Cleaning and Sanitation
Superintendent Development and Construction, Site Plan, Facilities Planning

PARENT SUPPORT

Office Manager Reception, Parent Handbook, Parent Orientation
Superintendent Principal Scheduling Parent Education
School Counselor Support for case management and connection to resources

STUDENT SERVICES: SOCIAL & EMOTIONAL

Teacher Class Social Dynamics, Class Circles, Class Rules, Student Study Team
Superintendent/Principal Student Culture, Student Surveys, PBIS, Campus Social Dynamics, School Rules & Expectations, Threat Assessment, Policy and Admin regulations.
Assistant Principal Student Discipline & Behavior Support
School Counselor Counseling Services, crisis intervention, risk assessment, SEL coordination, clubs, lunch bunch, social skills development, emotional regulation support, gender support plans
Student Advisor Conflict resolution, De-escalation, Behavioral Support
School Psychologist Behavior plans, Functional Behavior Assessment, Risk Assessment

STUDENT SERVICES: LEARNING SUPPORT

Teacher Academic Progress, Initial Academic Concerns, Learning Support
RSP Teacher IEP Management, Resource Specialist Program, Assessment
Assistant Principal Student Study Teams (SST), Intervention & Remediation Programs, Section 504, Special Education Oversight
Superintendent/Principal IEP Compliance, Legal and Policy
School Psychologist Assessment, IEP Facilitation, placement liaison, Behavior Plans, FBAs
Intervention Teacher Academic Coaching Teams, Student Resource Team, progress monitoring, tutoring, 504 plans

TOURS

Superintendent/Principal Campus Tour Presenter
Office Manager Booking

VOLUNTEER COORDINATION

Superintendent-Principal Liaison, Coordination, communications, project management
Office Manager Fingerprinting, vehicle insurance, absences
SHARK Co President Liaison, Coordination, Solicitation

■ DIRECTORY

ADMINISTRATION

Matthew Morgan , Superintendent Principal	mmorgan@harmonyusd.org
Stefanie Coe , Assistant Principal	smcoe@harmonyusd.org
Stacy Kalember , Chief Business Officer	skalember@harmonyusd.org
Suzi Heron , Office Manager	sheron@harmonyusd.org
Rachael Handley , Business Assistant	rhandley@harmonyusd.org

CLASSROOM TEACHERS

Allison Johnston , Transition Kindergarten	ajohnston@harmonyusd.org
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Susan McGovern , 4 th Grade	smcgovern@harmonyusd.org
Bonnie Covell , 5 th Grade	bcovell@harmonyusd.org
Park Guthrie , 6 th Grade	pguthrie@harmonyusd.org
Alex Kaplan , 7th-8th Humanities Teacher	akaplan@harmonyusd.org
Kyle Collins , 7th-8th Math & Science Teacher	kcollins@harmonyusd.org
Krista Gaspar , Garden Coordinator & Teacher	kgaspar@harmonyusd.org
Morgen Lanning , PE Teacher	mlanning@harmonyusd.org
Sadie Sonntag , Music Teacher	ssonntag@harmonyusd.org

ACADEMIC AND STUDENT SERVICES

Rebecca Chadwick , School Counselor	rchadwick@harmonyusd.org
Allie Rogers , Student Advisor	arogers@harmonyusd.org
Erica Ferguson , Intervention Teacher	eferguson@harmonyusd.org
Elizabeth Weiss , Intervention Teacher	eweiss@harmonyusd.org
Taryn Kaiser , RSP Teacher	tkaiser@harmonyusd.org
Beth Dawson , School Psychologist	bdawson@harmonyusd.org
Jade Laramendy , RSP Assistant	dlaramendy@harmonyusd.org
Melissa Miller , 1:1 Assistant	mmiller@harmonyusd.org
Sarah Wieland , 1:1 Assistant	swieland@harmonyusd.org
Natalie Johnson , School Nurse	njohnson@wscuhsd.org

PARAPROFESSIONAL ASSISTANTS

Kari Wilson , Classroom Assistant	kwilson@harmonyusd.org
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Alice Donovan , Classroom Assistant	sdonovan@harmonyusd.org
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Shell Brandt , Classroom Assistant	sbrandt@harmonyusd.org
Noelle Heron , Classroom Assistant	nheron@harmonyusd.org
Karen Lincoln , Int Assist. & Homework Club	klincoln@harmonyusd.org

GARDEN AND FOOD SERVICES

Amanda Jacobs, Head of Food Services ajacobs@harmonyusd.org
Hunter Bryson, Food Services Technician hbryson@harmonyusd.org
Krista Gaspar, Garden Coordinator & Teacher kgaspar@harmonyusd.org
Lisa Stone, Garden Assistant lstone@harmonyusd.org

WEBSITE AND NEWSLETTER

Tanya Turneure, Newsletter & Web Editor tturneure@harmonyusd.org

LIBRARIAN

Denise Eufusia, Librarian deufusia@harmonyusd.org

CUSTODIAL AND MAINTENANCE

Francisco Canela, Head of Custodial fcanela@harmonyusd.org
Juan Salinas, Custodial Technician jsalinas@harmonyusd.org

AFTERSCHOOL PROGRAM

Tami Skinner, Coordinator tskinner@harmonyusd.org
Karen Rice, Aftercare Assistant krice@harmonyusd.org
Grace Ginn, Aftercare Assistant gginn@harmonyusd.org

BOARD OF DIRECTORS

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Mariah Lander, Vice Chair mlander@harmonyusd.org
Charlie Laird claird@harmonyusd.org
Amanda Solter asolter@harmonyusd.org
Andrew Cone acone@harmonyusd.org

SHARK Board

Gaia Farina, Co-President info@harmonyark.org
Sarah Laird, Co-President
Jim Feige, Treasurer
Jacqueline Gleason, Secretary
Marni Davis, Officer/Welcome Committee
Sarah Weiland, Officer

■ LOGISTICS

BELL SCHEDULE

<u>Full Day Schedule:</u>	<u>Monday, Tuesday, Wednesday, Friday</u>	
8:10 am – 8:30 am	<i>Drop Off</i>	
8:30 am – 9:15 am	1 st Period	
9:15 am – 10:00 am	2 nd Period	
10:00 am – 10:20 am	BREAK	RECESS
10:20 am – 11:10 am	3 rd Period	
11:10 am – 12:00 pm	4 th Period	
12:00 pm – 12:45 pm	5 th Period	LUNCH & RECESS A (Grades TK-4)
12:45 pm – 1:30 pm	6 th Period	LUNCH & RECESS B (Grades 5-8)
1:30 pm – 2:15 pm	7 th Period	
2:15 pm – 3:05 pm	8 th Period	
3:05 pm – 3:20 pm	PICKUP	
3:05 pm – 5:30 pm	<i>SPROUTS AFTER SCHOOL CARE</i>	

Early Release Schedule: Thursday

8:10 am – 8:30 am	<i>Drop Off</i>	
8:30 am – 9:15 am	1 st Period	
9:15 am – 10:00 am	2 nd Period	
10:00 am – 10:20 am	BREAK	RECESS
10:20 am – 11:10 am	3 rd Period	
11:10 am – 12:00 pm	4 th Period	
12:00 pm – 12:45 pm	5 th Period	LUNCH & RECESS A (Grades TK-4)
12:45 pm – 1:10 pm	6 th Period	LUNCH & RECESS B (Grades 5-8)
1:10 pm – 1:25 pm	PICKUP	
1:10 pm – 5:30 pm	<i>SPROUTS AFTER SCHOOL CARE</i>	

TIMELY ARRIVAL AND DEPARTURE

Teachers and Staff must attend to other duties soon after the school day ends. All students must be picked up within **10 minutes** of the end of classes to allow the staff to return to their other duties.

ARRIVAL AND DEPARTURE ETIQUETTE

Please observe quiet in the hallways and walkways at drop-off and pick-up; no racing, rough play or loud talking is allowed in these common areas. Rules include:

- **Children must be supervised at all times.**
- Quiet conversations in common areas.
- No running or climbing in the hallways, paths or ADA railings.
- Keep adult conversations away from students. Be aware of the youthful ears around you.
- Cell phone use is directed to the front of the school whenever possible.

CHANGE IN DEPARTURE PLANS

If you have an emergency and are not able to pick your child up on time, please call the School Office at 707-874-1205 to let us know with whom you have made arrangements to pick up your child. If your child has not been picked up and the School is unable to reach you, we will call the emergency numbers on your child's emergency information sheet and your child will be seated in the office until pick-up occurs.

BUSSING

As a member of the West County Transportation Agency, Harmony Union School District provides free bussing along set routes throughout the district. Students are provided with a bus pass through the school office. If a stop is not located near your home, adjustments may be made if the stop conforms with transportation agency guidelines. Please contact the Office Manager for information. Updated bus route schedules are available at the WCTA website: <https://www.schoolbusing.org/bus-routes-1>

In the event of emergency changes to the bus route schedule of services, the school will alert families via its notification system. Please ensure your contact information with the school is current, and you are signed up for alerts through the system. For direct inquiries with WCTA dispatch please contact WCTA at the following:

BUS SCHEDULE

Morning Bus Route

7:00am 1380 Furlong Rd
7:08am OCCIDENTAL RD & JONIVE RD (ENE)
7:21am Dirt Pull-Out Just Past Tyrone Rd (NIS)
7:30am MONTE RIO SKATE-PARK - BUS LOOP
7:33am Bohemian Hwy & Tyrone Rd
7:40am BOHEMIAN HWY & MARKET ST (WNW)
7:46am BOHEMIAN HWY & COLEMAN VY (NNW)
7:50am Harmony & Salmon Creek School
8:10am 17190 Bodega Hwy (BODEGA CASINO)
8:15am BODEGA HWY & RASPBERRY LN (S)
8:20am Harmony & Salmon Creek School

Afternoon Bus Route Monday, Tuesday, Wednesday & Friday

3:15pm Harmony & Salmon Creek School
3:24pm Bohemian Hwy @Howard's Station Cafe R/L
3:29pm Bohemian Hwy & Sylvania Ave
3:30pm T/A ON MARKET ST
3:30pm MARKET ST & BOHEMIAN HWY (SW)
3:36pm Dirt Pull-Out Just Past Tyrone Rd (NIS)
3:41pm MONTE RIO SKATE PARK - BUS LOOP
4:06pm 17150 Taylor Ln
4:09pm 17291 TAYLOR LN
4:11pm TAYLOR LN - JUST BEFORE JOY RD
4:23pm 17190 Bodega Hwy (BODEGA CASINO)
4:29pm BODEGA HWY & RASPBERRY LN (S)
4:35pm JONIVE RD & FIORI LN (ESE)
4:43pm 1380 Furlong Rd
4:44pm 1112 Furlong Rd



West County
Transportation Agency
367 west Robles Ave.,
Santa Rosa, CA 95407
707-206-9988

<https://www.schoolbusing.org/>

Afternoon Bus Route Thursdays (Early Release)

1:10pm Harmony & Salmon Creek School
1:19pm Bohemian Hwy @ Howard's Station Cafe
R/L
1:24pm Bohemian Hwy & Sylvania Ave
1:25pm T/A ON MARKET ST
1:25pm MARKET ST & BOHEMIAN HWY (SW)
1:31pm Dirt Pull-Out Just Past Tyrone Rd (NIS)
1:36pm MONTE RIO SKATE PARK - USE BUS
LOOP
2:01pm 17150 Taylor Ln
2:04pm 17291 TAYLOR LN
2:06pm TAYLOR LN - JUST BEFORE JOY RD
2:18pm 17190 Bodega Hwy (BODEGA CASINO)
2:24pm BODEGA HWY & RASPBERRY LN (S)
2:30pm JONIVE RD & FIORI LN (ESE)
2:38pm 1380 Furlong Rd
2:39pm 1112 Furlong Rd

TRAFFIC SAFETY

Please follow traffic staff directions and the guidelines below:

- **DO NOT** block traffic.
- **NO U-TURNS** are allowed on the main drive.
- Motorized vehicles yield to cyclists and pedestrians. Cyclists yield to pedestrians.
- Do not park or obstruct the Emergency Vehicle Access road along the cistern or rear of school.
- Speed Limit is 10 mph or less.
- When dropping off, pull completely up to the curb and pull through to the most forward position.
- Cross the street only when safe.
- No parking in the Passenger Loading Zone during pickup (the yellow curb in front of the school).

DROP OFF AND PICKUP

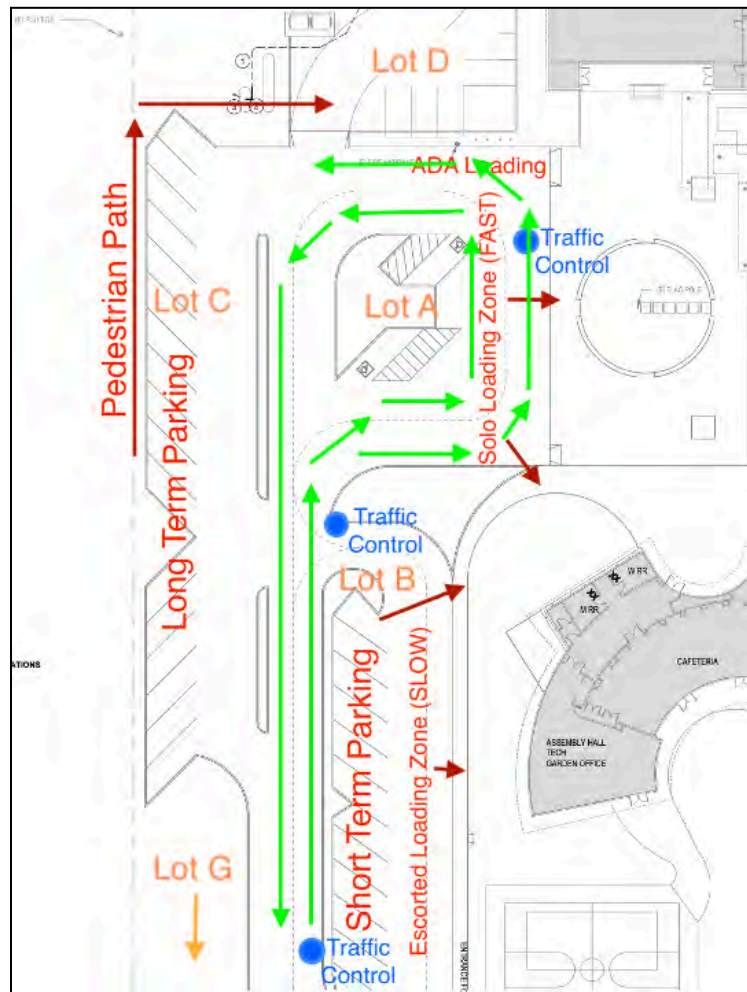
Parking lot Availability:

- Lot A: 2 spots at island
9-10 for outer (curb) lane
6-7 for inner lane
- Lot B: 13 at island (Long Term),
12 at curb (Escorted Loading)
- Lot C: 17 Long Term (Staff)
- Lot D: 16 Long Term (Staff)
- Lot G: 36-40 Long Term

DROP OFF

Parking Lot B, just west of the basketball courts is designated for **Short Term Parking & Escorted Loading Zone (SLOW)**. This area is for **PARKING & ESCORTING** your child to the front of the school. Both diagonal spaces at the west side island **AND** parallel spaces next to the sidewalk curb on the east side may be used. For diagonal parking participants **MUST** escort child across the flow of traffic to the sidewalk. For parallel parking participants open doors next to the sidewalk carefully...please watch for pedestrians.

Parking Lot C, along the fence adjacent the creek is reserved for **Long Term Parking**. Only park in this area if you expect to stay on site for more than ½ hour. This area will likely be filled by staff in the morning, in the afternoon, this is a good place to park if staying for after school gatherings. When exiting your car here, please make your way to the **NORTH** end of this parking area to the gravel lot by trash bins. This is the correct path of travel to the school during pickup and drop off **NOT** across the loading zone roundabout.



The **Solo Loading Zone (RAPID - Lot A)** is the curb immediately adjacent to the flag courtyard. Only one

lane (the outer lane adjacent to the curb, is used during drop off. Children **MUST** exit from the passenger side of the car.. If a child needs help getting out of the car the driver should choose the **Short-Term Parking / Escorted Loading Zone** and unload in that area.

PICKUP

The **Short-Term Parking & Escorted Loading Zone (SLOW - Lot B)** is where drivers should park if their children need adult retrieval and loading. Drivers should **NOT** park in lot B if they plan to stay for more than 10 minutes, these drivers should park in the long-term parking in lot C and G. Lot B must refresh its open spaces often for new arriving parents.

Long-Term Parking (Lot C and G) may be used to park, walk to the campus area, retrieve children, and then depart. Pedestrian pathways must be used for Lot C...walking to the north of this area towards the gym gravel lot, then east to the gym and flag circle. Pedestrians will need to follow the same way back to their vehicles in Lot C. Lot G pedestrians can transit through the blacktop or along the sidewalk by lot B

The **Solo Loading Zone (RAPID)** should be used similar to the way that an airport loading zone is used. When a driver pulls into the loading zone staff will radio for the child to be sent to the curb for loading The **SOLO** loading zone **IS ONLY** for students who are ready at the curb and able to load through the **PASSENGER SIDE ONLY** without the driver exiting the vehicle. Drivers **MAY NOT EXIT** their vehicle in the **Solo Loading Zone**. When heavy traffic occurs, and backup onto the bridge or highway is threatened then a second **Solo Loading Lane** can be initiated on the inward side of the loop. Staff will provide escorts for children crossing the outer lane to the inner land and assist with loading procedures to ensure safety of students.

BICYCLES & SKATEBOARDS

Cyclists must follow all traffic laws. Please dismount bicycles when transiting into areas used by pedestrians. Helmets are required for all students who are riding a human powered vehicle (bicycle, unicycle, skateboard). Unicycles and skateboards may not be ridden on pedestrian sidewalks.

PARENT SUPERVISION AFTER HOURS

School rules must be maintained at all hours. Please be mindful that Harmony staff work diligently to create a comprehensive environment that holds our students in a healthy and mindful way throughout the school day. When students are on campus after hours, parents must ensure that the space is held in a similarly reverential and consistent manner. Parents are responsible for ensuring that their children follow school rules whenever they accompany them on campus. After school play dates on campus, festivals, events, and weekend work parties are opportunities for us to demonstrate to our children that the expectations of the school are held consistently on campus.

FUNDRAISING AND PLEDGING

Harmony is a public school that depends upon local fundraising efforts to supplement limited state funding. You are encouraged to support the school through the Salmon Creek Harmony parent association, shARK.

Funding goes directly to our farm to table program, field trips, festivals, enrichment and athletics as well as key student supports such as our aspire program, classroom assistants and counseling. Your pledge is vital to ensuring quality programming for your child.

LUNCHES AND SNACKS

Students need a hearty, protein rich breakfast and should have wholesome foods for snacks and lunches.

Harmony hosts one of the most impressive Farm to Table programs in California. Our 1+ acre farm and exemplary garden and culinary staff produce home cooked, scratch meals daily. Due to recent legislative action: **ALL STUDENTS DINE FREE** at all public schools in California. This is a watershed commitment to child and community wellness, and ensures that all of our students have access to good nutrition, quality ingredients and lovingly prepared meals daily. Breakfast and lunch are provided, as well as snacks for those in need. Please note that the cost of food provided at Harmony far outpaces compensation from State and Federal sources. Your donations to shARK help support the farm to table program at Harmony.

Students may still bring lunches and snacks from home. The school wellness policy clearly articulates recommendations on foods to bring on campus: Please do not include candy or high sugar food/drink in your child's snack or lunch. Cloth napkins and reusable containers encourage students and families to limit waste. Distribution of food, including chips and candy, from one student to another, is prohibited to protect family nutritional expectations.

CLASSROOM CELEBRATIONS

All foods offered for classroom celebrations should meet or exceed the District's nutritional guidelines. Healthy party ideas are available from the [Alliance for a Healthier Generation](#) and from the [USDA](#). Please reference the [list of foods and beverages that meet Smart Snacks](#) nutrition standards. Please inquire with your teacher about plans to bring treats for celebrations to ensure the wellness policy is met.

FOOD ALLERGIES

Please notify the office and your class teacher of any food allergies that may present significant health issues for your child. Similarly, if a class has a student with significant allergies, all class parents may be contacted with specific instructions to minimize the risk of exposure for the sensitive student(s).

MEDICATIONS AT SCHOOL

The California Education Code Section 49423, allows school personnel to assist students who are required to take medication during the school day under specific circumstances. Emergency medicine, such as Epi-Pens or asthma inhalers, may be carried by the student when recommended by an authorized health care provider and the parent. Students are not allowed to bring medication of any kind to school without documentation. School staff are not allowed to administer medication, even over the counter medication, without such documentation. Parents and the authorized health care provider must fill out the appropriate form available in the office. Please call the school office for details.

PHONE USE BY STUDENTS

Students are allowed to possess cell phones on campus, HOWEVER, devices must be securely stored away during instructional hours. Phones may not be used in bathrooms or during school activities for photography without express permission by staff. Only when provided direct, specific permission by school staff, is a cell phone allowed out of secure storage. Infractions from the phone policy will result in the phone being temporarily confiscated and stored with the teacher until the end of the day for pickup by the student. Repeated infractions will result in confiscation and delivery of the device to the office for pickup by parents. Persistent violations will result in device restriction from campus.

After school cell phone use is allowed for student to caregiver communication ONLY in the office or outside in the flag circle pickup area unless directly supervised and permitted by HUSD Staff. Students are allowed to use the landline phone in the office for calling home when the need to contact the parent is clearly demonstrated. Such occasions may include forgotten homework or lunch, or logistical needs for after school pick-up. Students must check in with office staff for permission to use the phone.

■ADMISSIONS AND RECORDS

ADMISSIONS

Harmony Elementary is a traditional school of the district covering grades TK through 1st. The District is responsible for ensuring resident students are provided appropriate educational placement and services. District resident students are eligible to enroll with priority. Out of district students may still apply for enrollment in the Harmony Elementary TK-1 program, but ability to enroll is contingent on class availability and program capacity. Out of district applications that exceed capacity will be placed on a wait list.

Salmon Creek Charter, is a public dependent charter school serving students in grades 2 through 8. All students that reside in the district will be provided educational placement and services. Out of district students may still apply for enrollment in the Salmon Creek 2-8 program, but ability to enroll is again contingent on class availability and program capacity.

HUSD conducts open enrollment throughout the year subject to space availability. Annually, our Kindergarten enrollment window begins in January, with applications due by early March. Harmony classes are frequently full with waiting lists for out of district applicants (all in district applicants will be provided educational placement).

In situations where out of district applications exceed available seats in a class, a lottery is conducted to determine the enrollment priority of prospective students. The lottery is conducted following the close of the application window. Students are sorted according to enrollment priority eligibility below:

1. *District Resident Students (residing IN HUSD boundaries) are guaranteed educational placement*
2. Out of District Students currently enrolled in the Harmony Union School District
3. Out of District Siblings of students currently enrolled or graduated
4. Out of District Children of district employees

If more out of district students apply for a class than there is available space, remaining students are placed on a wait list. The wait list is modified throughout the year as space becomes available and enrollment is offered to wait list families. Applications that are submitted after the annual lottery are placed on hold without a wait list number assigned. When the previous wait list is expended, the applications on hold are then placed through the lottery and assigned wait list numbers. The wait list is reset at the start of each year, requiring a new application to be eligible for enrollment.

TK AND KINDER AGE

Minimum Age of Admission for Transitional Kindergarten

Any child who will have his/her fifth birthday between September 2nd of the target school year and September 1st of the following school year shall be offered a transitional kindergarten program in accordance with law and district policy. This includes any four year olds who are enrolled in a California state preschool program.

Minimum Age of Admission for Kindergarten

A child shall be eligible for enrollment in kindergarten at the beginning of the school year or at a later time in the same year, if the child has his or her fifth birthday, respectively, on or before September 1. Please bring proof of birth date, residence and immunization records to the school when registering your child. For more information contact your neighborhood school or the Office of Educational Services at 890-3800 ext. 80302.

ENROLLMENT VERIFICATION

Parents and Guardians are responsible for providing all required documentation to the school to ensure appropriate provision of services for our children, accurate data in the event of emergencies, and compliance with state reporting. Falsifying enrollment information, including residency, may be grounds for rejecting enrollment or disenrollment.

EMERGENCY CONTACTS

The Emergency Contact form is an essential document that is required for the child to attend school. Students are not allowed to attend school until the Emergency Contact form is completed. Emergency contacts may be updated through the Parent Portal in AERIES

VACCINATIONS

A full report of vaccinations is required for enrollment. Vaccinations must be kept up-to-date and comply with all state requirements in order for a child to attend public school in California and at Harmony. The district is required to exclude pupils who have not been properly immunized pursuant to Health and Safety Codes 120325 and 120335. The district must notify parents that they have two weeks to supply evidence either that the pupil has been properly immunized or is exempted from the requirement.

All students entering kindergarten, advancing from sixth to seventh grade in the district, or prior to his or her first admission to the district, will be required to comply with the immunization requirements of Health and Safety Code sections 130325 and 120335, unless the student provides the district with a valid exemption from a licensed physician. No new personal belief exemptions will be accepted. Students with personal-belief exemptions on file with the district as of January 1st, 2016, shall be allowed to continue enrollment until entering the next grade span in the district. Grade spans are defined as birth through pre-school, K-6, including transitional Kindergarten and 7-12. Students qualified for an individualized education program may access special education and related services as required by his or her individualized education program.

For a complete list of required immunizations, please visit the Shots for School website.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/School/shotsforschool.aspx>

Students Admitted at ages 4-6 years need these immunizations to attend school.

- **Polio** (OPV or IPV): 4 doses (3 doses are okay if one was given on or after 4th birthday)
- **Hepatitis B**: 3 doses
- **Measles, Mumps, Rubella** (MMR): 2 doses (Only doses given on or after 1st birthday comply)
- **Varicella** (Chickenpox): 2 doses (Parents must show their child's Immunization record to comply)

These immunization requirements also apply to students entering transitional kindergarten.

Students Admitted at Ages 7-17 Years Need These Immunizations:

- **Diphtheria, Tetanus, Pertussis** (DTaP, DTP, Tdap, or Td): 5 doses (4 doses are okay if one was given on or after 4th birthday, 3 doses are okay if at least 1 dose of Tdap, DTaP or DTP was given on or after 7th birthday)
- **Polio** (OPV or IPV): 4 doses (3 doses are okay if one was given on or after 4th birthday)
- **Measles, Mumps, Rubella** (MMR): 2 doses (Only doses given on or after 1st birthday comply)
- **Varicella** (chickenpox): 2 doses
- **Tetanus, Diphtheria, Pertussis** (Tdap): 1 dose prior to 7th grade admission or out- of-district transfer admission at 7th–12th grades (Dose must have been given on or after the 7th birthday)

California schools are required to check immunization records for all new student admissions at TK/Kindergarten through 12th grade and all students advancing to 7th grade before entry. Parents must show their child's Immunization Record as proof of immunization.

Recommended Vaccines

Meningococcal Meningitis is easily spread by kissing, sharing drinks, coughing, or sneezing. The shot can protect your child from several types of this life threatening infection.

Human Papillomavirus – (HPV) This 3-shot vaccine series is recommended for both girls and boys ages 9 – 26 to help protect them from some types of cancer.

Seasonal Flu – The flu is a serious illness. Children also benefit from vaccination!

RECORDS REQUESTS

Requests for records may be addressed to the school secretary. When transferring to another school, the other school must request your child's cumulative file to be forwarded. When transferring into Harmony, a request for records will be sent to the previous school by our office staff.

■HEALTH AND WELLNESS

WELLNESS POLICY

Harmony Union School District is committed to the optimal development of every student. The District believes that for students to have the opportunity to achieve personal, academic, developmental and social success, we need to create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year.

Research shows that two components, good nutrition and physical activity before, during and after the school day, are strongly correlated with positive student outcomes. For example, student participation in the U.S. Department of Agriculture (USDA) School Breakfast Program is associated with higher grades and standardized test scores, lower absenteeism and better performance on cognitive tasks. Conversely, less-than-adequate consumption of specific foods including fruits, vegetables and dairy products, is associated with lower grades among students. In addition, students who are physically active through active transport to and from school, recess, physical activity breaks, high-quality physical education and extracurricular activities – do better academically. Finally, there is evidence that adequate hydration is associated with better cognitive performance.

This policy outlines the District’s approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, this policy establishes goals and procedures to ensure that:

- Students in the District have access to healthy foods throughout the school day – both through reimbursable school meals and other foods available throughout the school campus– in accordance with Federal and state nutrition standards;
- Students receive quality nutrition education that helps them develop lifelong healthy eating behaviors;
- Students will be encouraged to be physically active before, during and after school;
- Schools engage in nutrition and physical activity promotion and other activities that promote student wellness;
- School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school;
- The community is engaged in supporting the work of the District in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
- The District establishes and maintains an infrastructure for management, oversight, implementation, communication about and monitoring of the policy and its established goals and objectives.

EMERGENCY INTERVENTIONS

Harmony staff are trained in emergency first aid procedures (CPR, AED, first aid, and “stop the bleed”)

Epinephrine: California law SB 1266 requires school districts to provide emergency epinephrine for students suffering, or reasonably believed to be suffering, from anaphylaxis. Each site stocks epinephrine auto injectors for emergency use by trained staff or administrators.

AEDs: Harmony has AED’s on site located in the main office and gymnasium.

Stop the Bleed: Harmony has Stop the Bleed kits in every classroom and large assembly area.

Naloxone/Narcan: Proactively, due to the devastating effects of the opioid epidemic, each school site stocks at least two doses of naloxone, the generic drug also sold as brand name Narcan, on campus. The drug can reverse the effects of an overdose and save lives. Existing law authorizes school districts, county

offices of education, and charter schools to provide emergency naloxone hydrochloride or another opioid antagonist to school nurses or voluntarily trained personnel, and authorizes those nurses and voluntarily trained personnel to use naloxone hydrochloride or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

HEALTH PLANS

For conditions that require specialized care or may need emergency treatment at school, a healthcare provider's letter or care plan is required. These plans, for students with additional healthcare needs, must be reviewed by the student's healthcare provider and signed and dated by the parent and healthcare provider each new school year. The school nurse will work with you and your student's healthcare provider to design a care plan and to request additional staff as needed.

HEAD LICE

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. If a student is found with active adult head lice or nits, he/she shall be allowed to stay in school until the end of the school day. The parent/guardian of any such student shall be given information about the treatment of the head lice. Lice care kits are available in the office upon request:

1. The parents/guardians must treat the student immediately.
2. All family members must also be checked for head lice.
3. The student will be checked upon return to school the next day by the school nurse or designee and allowed to remain in school if no active head lice or nits are detected.
4. If it is determined that the student remains infested with head lice, the parents/guardians will be notified immediately to further discuss treatment.
5. As needed the parents/guardians may be provided with additional resources and/or a referral to the local health department, health care or other agencies.
6. If a student is found consistently infested with head lice, he/she may be referred to a multidisciplinary team, which may consist of the school nurse, representatives from the local health department, social services and other appropriate individuals to determine the best approach for identifying and resolving the problems contributing to the student's head lice infestations.
7. When it is determined that one or more students in a class or school are infested with head lice, the principal or designee may at his/her discretion, notify parents/guardians of students in that class or school and provide them with information about the detection and treatment of head lice.
8. Staff shall maintain the privacy of students identified as having head lice.
9. When it is determined that one or more students in a class or school are infested with head lice, the principal or designee may, at his/her discretion, notify parents/guardians of students in that class or school and provide them with information about the detection and treatment of head lice.

■ATTENDANCE

ABOUT ATTENDANCE

Regular and timely attendance is essential for consistent academic growth, maintenance of social relationships and emotional security. Daily attendance develops the child's sense of rhythm in their school life. Similarly, a timely arrival in the morning and departure at pick-up eases the anxiety that children often confront when transitioning between home and school. Good attendance is a prerequisite for your children to receive the maximum benefit from our educational program.

ABSENCES

All parents are legally obligated for their children to attend school. According to California law, there is no distinction between unexcused or excused absences. Please schedule doctor appointments and vacations when school is not in session to avoid causing a school absence.

If you know that your child is going to miss one or more school days, please consider requesting Independent Study. An Independent Study plan enables the child to continue the studies that are occurring in class, reducing the sense of overwhelm and confusion the student may encounter upon the return from an absence.

REPORTING ABSENCES

A sick child is best cared for at home. A child who is not feeling well cannot participate in the school day in a meaningful way. Please keep your child home if he or she:

- Has an active fever or had a fever within the past 24 hours
- Has vomited within the past 24 hours
- Has an actively communicable infectious condition such as:
 - Chicken Pox, Conjunctivitis, Diphtheria, German Measles, Hepatitis, Impetigo, Measles, Mumps, Poliomyelitis, Pertussis/Whooping Cough, Ringworm, or Scarlet Fever

If your child is sick, please email the appropriate grade level absence email below. This email will simultaneously notify the class teachers as well as the office for documentation.

Transition Kindergarten	tkabsence@harmonyusd.org
Kindergarten	kinderabsence@harmonyusd.org
1st Grade	firstgradeabsence@harmonyusd.org
2nd Grade	secondgradeabsence@harmonyusd.org
3rd Grade	3rdgradeabsence@harmonyusd.org
4th Grade	4thgradeabsence@harmonyusd.org
5th Grade	5thgradeabsence@harmonyusd.org
6th Grade	6thgradeabsence@harmonyusd.org
7th Grade	7thgradeabsence@harmonyusd.org
8th Grade	8thgradeabsence@harmonyusd.org

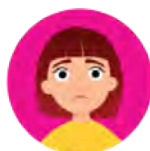
For unplanned absences due to EARLY PICKUP or LATE ARRIVALS (due to appointments or emergencies), please contact the office at 874-1205 and check in at the office upon arrival for pickup or late arrival.

Parents of children who are ill should not be concerned about class work. However, some childhood illnesses leave children full of energy when at home while a contagious illness runs its course. In such cases, the student would benefit from Independent Study to keep up their academic rhythm with the class. Please contact the office before an expected absence day to arrange Independent Study as needed.

ILLNESS GUIDELINES

When to Keep Your Child Home from School or Child Care

Below are suggestions for when to keep your child home when they are not feeling well. Contact a health care provider if your child needs medical care. A doctor's note is generally not required to return to school or child care. For more information, please visit the [CDPH guidance page](#).



Overall, not feeling well

When should my child stay home and when can they return?

STAY HOME IF any new illness or symptom prevents a child from participating meaningfully in routine activities.



Fever

STAY HOME IF a fever is of 100.4°F (38°C) or higher.

RETURN WHEN fever went away over the night and is gone in the morning without the use of medications such as Tylenol®, Advil®, or Motrin® (acetaminophen or ibuprofen).



Vomiting

STAY HOME IF vomiting has occurred 2 or more times in 24 hours.

RETURN WHEN vomiting has ended overnight, and your child is able to hold down liquids and food. Recommend frequent handwashing.



Diarrhea

STAY HOME IF your child's stool is likely to leak from the diaper, or if they are unlikely to make it to the toilet in time (if potty trained). If the stool looks bloody or black, seek medical attention.

RETURN WHEN improving. Recommend frequent hand washing.



Scan the QR code find the latest version of this flyer.



When to Keep Your Child Home from School or Child Care



Sore throat

When should my child stay home and when can they return?

OK TO ATTEND WITH MILD SYMPTOMS. Please consider wearing a mask if age 2 years or older.
STAY HOME AND SEEK MEDICAL ATTENTION for difficulty breathing or swallowing, or continuous drooling.
RETURN WHEN IMPROVING. If an antibiotic is prescribed, take the first dose at least 12 hours before returning.



Cold symptoms, such as cough, stuffy/runny nose, sneeze

OK TO ATTEND WITH MILD SYMPTOMS. Please consider wearing a mask if age 2 years or older.
STAY HOME AND SEEK MEDICAL ATTENTION for severe symptoms, including a bad cough, difficulty breathing or trouble catching their breath, or wheezing when not controlled by medication (like albuterol).
RETURN WHEN IMPROVING. If your child will need medication after returning, contact the site to let them know.



Ear or eye irritation, including pink eye

OK TO ATTEND WITH MILD SYMPTOMS. Recommend frequent handwashing.
STAY HOME AND SEEK MEDICAL ATTENTION for difficulty seeing or hearing, an eye injury, or pain they cannot tolerate.



Rash

OK TO ATTEND WITH MILD SYMPTOMS.
STAY HOME AND SEEK MEDICAL ATTENTION if rash is worsening, causing pain, has blisters, or is not healing.
RETURN WHEN IMPROVING or as guided by health care provider. In general, for conditions such as lice, impetigo, ringworm, scabies, and pinworms, your child may return as soon as they start appropriate treatment.

TARDY ARRIVAL

In the Placed Based Learning classroom, there is a rhythm to the day, with opening activities which prepare the child to work effectively, as well as closing activities which allow the group to end as one and to bring a sense of completion. It is essential that your child arrive at school on time to benefit from the entire class day. When children arrive late, they not only miss out on the important warm up period of the day, they enter their lessons with anxiety and worry. Additionally the late arrival is disruptive to the lesson and other students in class.

Late arrivals create a disruption for the class and for the child. It also triggers a huge amount of administrative work. Mandatory attendance reporting to our auditor, our Union School Districting district, the county office of education, and the state, add up to inordinate amounts of time spent whenever your child is even a few minutes tardy. Please, please, respect everyone's time and your child's experience by arriving well ahead of the bell every day. Everyone will thank you!

A good goal is to strive to arrive at school a full 10 minutes before the morning start time to enable your child to settle in and be ready for the school day, which begins promptly. It is equally important to pick your child up promptly when the school day ends, and to properly supervise your child on campus once school is dismissed. As a school, we are committed to teaching our children the importance of timeliness.

The rhythm of the day necessitates that all students are in attendance from the very first minute of class. Therefore the School defines tardiness as arriving at the classroom door after the teacher has greeted the children and begun the school day. The school is open and schoolyard supervision begins 15 minutes before the official beginning of the school day. We strongly encourage all families to arrive early and build in a grace time in their morning routine. All children need at least a few moments to arrive, settle in, and get to the door, and most benefit from 10-15 minutes of time at school before the school day begins. In short, we urge you to arrive well before the bell to allow plenty of time!

If a child arrives after the teacher commences class (8:15 AM), they are considered tardy. Please do not leave your child alone to find her way to class when she is tardy. If the class teacher has closed the classroom door for the start of lesson, do not knock or walk into the classroom. Parents must accompany their student to the office for a tardy slip. Upon returning to the classroom, slip the tardy slip through the classroom door. The teacher will invite the student into class when ready for the transition.

If families demonstrate a pattern of tardiness, parents will be asked to meet with administration to address the problem. A tardy arrival will result in an automated call home. Significant tardiness, in excess of 30 minutes, is considered a reportable event for the purposes of determining truancy.

TRUANCY

Education Code 48260 states that a child *"who is absent from school without valid excuse more than three days or tardy in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor or to the superintendent of the school district."* For the purposes of determining truancy, Absences shall be excused only for health reasons, family emergencies, justifiable personal reasons, as permitted by law, Board policy and administrative regulations. Letter of truancy will be drafted for students with 5 or more days of unexcused absences. If absences continue the case will be referred to the Superintendent for intervention. Even in cases of valid excuse, such as illness, students absent in excess of 10 days require a physician's note or conference with the administrator to determine the justification for the absence.

If excessive absences or tardies occur, the school may take the following set of progressive steps:

- Verbal reminders to the family from teacher or other school staff, as appropriate.

- First letter home from Director as a warning after the 3rd overall unexcused absence.
- Second letter home after 5th total unexcused absence or Tardy, requiring parent(s) and older students to meet with the Director.
- Other steps may be recommended at the time of the meeting with the Director, such as student and/or parents donating time to school to compensate for lost class and administrative time. An agreement will be signed by the family that acknowledges their commitment to solving the tardiness problem.
- Families make an appointment and meet with the Director about the attendance problem within two weeks of notice or the case is referred to Harmony's Board of Directors.
- Third letter home after 9th unexcused absence or tardy; at this time the case is referred to Harmony's Board of Directors. The School Board will meet to determine appropriate next steps, which could include, but is not limited to, referral to the local Student Attendance Review Board (SARB) and/or the Sonoma County District Attorney's office.

SARB

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB). The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts. (Education Code 48321) The Board shall appoint members of the district's SARB, who may include, but are not limited to, a parent/guardian as well as representatives of the district; county probation department; county welfare department; county office of education; law enforcement agencies; community-based youth service centers; school guidance personnel; child welfare and attendance personnel; school or county health care personnel; school, county, or community mental health personnel; the county district attorney's office; and the county public defender's office. (Education Code 48321). The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

The School Attendance Review Board meets with the student and the parent/guardian to discuss the truancy and impose consequences such as signing a contract for improved attendance, referral to outside agencies for assistance, transfer from one school to another, or referral to the District Attorney's office for prosecution.

IMPACT ON FUNDING

Our Average Daily Attendance determines our level of state funding. The school loses on average \$40 for every day that a child is absent, regardless of the reason. The school currently loses \$75,000 annually due to absenteeism. Reducing absences by just 1 day for each student would save \$10,000 annually.

An Independent Study plan enables a child to continue with work they are missing in class, and allows the school to retain the funding that would otherwise be lost to the state due to an absence. To arrange Independent Study, please contact the office or visit the website. More information on Independent Study is provided in the next section of the Parent Handbook.

INDEPENDENT STUDY (IS)

There are times when a student must miss school because of family obligations, illness or a family travel opportunity that has undeniable educational value. On these occasions, teachers can provide an independent assignment plan to guide learning and study while the student is absent from class. **We encourage families to schedule trips during school vacations** and not to take lightly that the child will miss important lessons and shared experiences with their class during their absence. When absence is unavoidable there is Independent Study, which supports both your child and our school.

Families may arrange for an Independent Study plan in advance of absences to allow students to continue their participation in class work while they are away. Request forms and other information is located on our website. Requests for Independent study must be made 2 calendar weeks in advance of the absence to the office to allow time to prepare your child's Independent Study assignment. Independent study may be requested for durations of 5-14 days with a max of 15 cumulative for the year.

IS DOCUMENTATION

Two Documents are required for completion of the Independent Study:

- **Independent Study Agreement Form:** Outlines the dates of absences and the requirements for successfully completing the Independent Study. This form is due in the office, signed by the parent, prior to the start of the absence.

- **Independent Study Assignment Plan:** Upon receipt of the Agreement Form, the office or faculty will provide an appropriate Independent Study Assignment Plan. This plan describes the required assignments and projects for the student to complete during their absence. This form, along with the completed work, is due to the teacher upon return from the absence.

IS PROCESS

- Parents must complete an Independent Study Agreement Form with signature from parent & student. The form must be submitted 5 days prior to the start of the Independent Study..
- Staff provides an Independent Study Assignment Plan for the family.
- The Student conducts Independent Study according to the plan.
- Upon return to school, completed Independent Study work is turned into the teacher.
- The teacher evaluates the work.
- Office staff verifies satisfaction of requirements for the relevant attendance cycle.
- Adjustments are made to the attendance record based upon the daily credit assigned to the submitted work

■ACADEMIC PROGRAM

Harmony Union School District is dedicated to Placed Based Learning. Our curriculum is rooted in the PBL vision and objectives and district staff work continuously to integrate activities and experiences into our studies to bring PBL principles to life for our students. Whether on the trail or in the classroom, in art or in labor, students are given frequent opportunities to find relevance in their scholarship through the lens of personal experience and context.

THE ART OF TEACHING

Class Teachers are the foundation of education at Harmony (and any place of learning). Their professional expertise in learning and instruction, their creative impulse to endlessly seek new methods to unlock a child's potential, their emotional composure in the face of challenging social and behavioral dynamics, their patience with children testing boundaries and making significant mistakes, their ethical leadership demonstrating dogged dedication to your child's well being, are their daily practice. Harmony puts great trust and responsibility in its teachers, and in turn our teachers trust in our community to hold them with generosity and compassion. This does not mean that teachers, or administrators, or staff are flawless, nor that shortcomings or mistakes should be ignored, but it is essential that the community holds each other in grace, and particularly our teachers and staff, who confront numerous challenges both within the wheelhouse of learning and scholarship, but frequently outside of this realm, into the world of caregiving, emotional support, mental health, and behavioral development.

Of course, working with children, the greatest wish for the future that most humans will ever be humbled to produce, is fraught with anxiety and concern. The inescapable collaboration that is essential between home and school, parent and teacher, has the potential to become upended by this pressure.

Communication is vital in this relationship. Harmony encourages parents and caregivers to communicate with a generosity of spirit and gentle honesty. If help is needed to untie a knot, teachers and parents alike can seek support from other staff to work together for resolution.

Harmony teachers are part of a team that work together to untangle academic or social challenges in the classroom and for individual students. A phalanx of support staff, from classroom aids, student advisors, counseling staff, psychologists, behaviorists, learning specialists, administrators and others are here at Harmony to support the educational process, to shepherd the best strategies and programs for our students and teachers. We are also deeply appreciative of the many volunteers and quiet supporters in our community that lift up our staff and programs, providing the extra help, creativity, ideas and perspective to continue our growth and improvement our programs and our professional skills.

CURRICULUM THROUGH THE GRADES

Transition Kindergarten

The TK student is acquiring the fundamental skills of working together in a group: listening and following directions, completing simple assigned tasks, working independently and working with partners. TK students are developing core social emotional capacities including empathy, self regulation, resolving conflicts and playing in open ended games with all the challenge of negotiating rules and sharing equipment and friends.

Kindergarten

The Kindergarten student, particularly with a year of TK behind them, enter the class with greater confidence and agency in their learning. Able to take on tasks, help with clean up and chores, and play important roles in class, Kindergarteners are industrious folk. Play is still a major part of the curriculum, as is art and nature exploration. Reading foundations are a major focus for instruction along with the roots of mathematics. The keen observational eye of a kindergartener, comparing plants in the forest and making

connections between habitats and adaptations are their gateway to the natural processes that underpin their world around them. Scientific thinking, questioning and wonder have their seeds in Kindergarten's nature study.

1st Grade

First graders are ready to sink their wiggly teeth into school work; to venture into the world of primary scholarship. This first year in the grades program introduces students to the pace of a grade school day. The developing first graders still lives very much in the realm of imagination and feeling.

- Phonics, decoding and blending
- The value of numbers, numeracy
- Addition and subtraction, partners to 10
- FOSS Science
- Music & Art
- Gardening and Cooking
- Studying School as Community
- Local area study, mapping
- Physical Education and Health
- Social Emotional Learning
- Nature observations

2nd Grade

Second graders have adapted to the new life as young scholars and are increasingly adept at navigating the classroom and its tasks. Due to their growing awareness, their attention to others begins to grow rapidly, sometimes leading to a new meta-cognitive consideration of their role in their social groups. Social stories are an important map for children to explore the implications of their growing understanding of the complexity of other people in their lives – honesty and deceit, trust and betrayal, kindness and cruelty, mischief and order – are sharply contrasted in their life and in stories. The fables and folktales are helpful at this age as there is much material to address the antics that present themselves in their class social group..

The class teacher now works to deepen the foundations which have been laid down in first grade: Reading is increasingly moving towards fluency, vocabulary development and prosody. Ongoing work on writing progresses with the students demonstrating greater independence, launching from sentence starters and scaffolds to swimming in the deep end of the writer's pool. Arithmetic focusses on place value, carrying, borrowing, addition, subtraction and beginnings of multiplication. Social sciences focus on their expanding view of community; the roles and jobs people play in the community, the basics of economy and trade, further studies of maps and how to be a participant in community.

- Social Stories
- Writing and Reading
- Arithmetic/Times Tables
- Number Patterns
- Nature Observation
- Swimming
- Study of broader local community
- Physical Education
- Gardening & Cooking
- Music & Art
- FOSS Science
- Social Emotional Learning

3rd Grade

Third grade is often the year we notice children losing some of the sense of wonder of young childhood and the powers of innocence and imagination that go with it. The greater awareness they developed in 2nd grade and their ability to reason and consider cause and effect and discern truth from imagination, can disrupt their assumptions about the world. They are also growing stronger in their development as individuals. Adults may notice the children becoming more critical and beginning to question and test at home and at school. As magical thinking of young childhood fades they may have a sense of loss or separation from their environment, even experiencing boredom for the first time. This time is often referred to as the 9 year change and though there is a sense of nostalgia and sorrow for the loss of

innocence, the expanding ability for intellectual, reasoned thought, opens up new doors into greater wonders that await their curiosity.

- Reading for fluency and comprehension
- Developing writing structure and tools
- Grammar and Composition
- Multiplication and grouping
- Weights and Measures
- Farming and Gardening
- Gardening & Cooking
- Physical Education
- Music & Art
- FOSS Science
- Social Emotional Learning
- California

4th Grade

Fourth graders become more self-confident as their perception of the world sharpens, but at the same time their experience of the world may be shadowed with their awareness of life's struggles. Social dynamics can become more fractured and much work is done by staff to support our students in tending and mending their peer relationships. Mirroring this social theme of unity and division, mathematics dives into division and fractions. Social Science focuses its study of California and government systems. Natural history and science examines biology and geology. Students are now moving into reading with the focus on reading comprehension, and using their literacy to dive into other content areas. Students shift from "learning to read" to reading to "learn", though certainly the skill of reading progresses with focus on identifying main ideas and use of evidence to support arguments or plot.

- Local History and Geography
- Biology and Geology
- Grammar and Composition
- Essay writing
- Division and Fractions
- Physical Education
- Gardening & Cooking
- FOSS Science
- California History: First Nations, Spanish colonial era, Mexico & Gold rush
- Music and Art
- Social Emotional Learning

5th Grade

Fifth graders have achieved skill levels in basic academic and artistic work that allow them to meet new challenges with enthusiasm and energy. Physically, their bodies move with greater strength, balance, and agility. The harmony and integration of the child at this age will soon be challenged by the demands, and hesitancy or self doubt that may accompany adolescence. Fifth graders are enthusiastic about learning, eager for new challenges, and capable of hard work and creativity. They stand balanced at a point in their development where their intellectual abilities are rapidly increasing while their childlike access to imagination and creativity are still unbridled.

- Age of Exploration, Americas, First Nation Peoples
- North American Geography
- Decimals/Fractions/Algebraic Thinking
- Astronomy, Biological systems, Geology
- Literature study
- Advanced Essay, Poetry and Prose
- Music and Art
- Physical Education
- Social Emotional Learning
- FOSS Science

6th Grade

Sixth graders are feeling the influence of the approach of puberty. As the long bones of the limbs begin their growth spurt and the children are increasingly aware of their bodies, and with it a level of self-conscious introspection, and at times, melancholy. The onset of adolescence and increasing capacity for discipline and tenacity are their contrasting gestures of stubbornness and independence.

Thematic blocks work through many of the ancient civilizations. Students are focussing on the foundations of human society, the development of systems of laws, agriculture, economies, science, art, philosophy and technology. The concept of progress, and of social evolution, is punctuated by the more adult understanding of the real hazards of civilization's tumult and upheaval. The potential for suffering and injustice, and the thread of human perseverance and hope through great adversity and loss.

- Mesopotamia and Early Civilizations
- Ancient Egypt, India and China
- Greece and the Roman Empire
- Meteorology and Climate
- Zoology and Botany
- Ecology
- Systems of Equations/Fractions/Percent
- Music & Choir
- Class Drama Production
- Paleo Skills and Outdoor Education
- Team Building
- Interscholastic Athletics
- Art

7th Grade

Seventh graders are increasingly experiencing themselves as individuals with tastes and impulses of their own. They rightfully challenge accepted practices and ideas in order to understand and participate in a more independent way. At a time when their center of gravity is experienced differently and a physical lethargy can be felt, the students dive into the foundations of the renaissance, the age of reason, and the deepening understanding of the process of scientific inquiry. Though great amounts of individuation occur at this age, so much of it is cloaked in a seeming uniformity of dark toned hoodies and loafers...a cocoon for their metamorphosis into early adulthood.

- Medieval Era in Japan, Islam and Europe
- Age of Exploration
- The Renaissance
- World Geography
- Algebra/Area/Volume
- Health and Nutrition
- Physics
- Chemistry
- Biology
- Choir
- Advanced Band
- Student Leadership
- Drama (Middle School Production)
- Interscholastic Athletics
- Culinary Arts
- Earth Sciences

8th Grade

Grade eight has as its guiding principle the sense of completion of all that has gone before. The students themselves are in the process of completing their passage from childhood into the territory of youth, where they will enjoy greater perspective, sharper powers of observation, and growing critical faculties. From this new vantage, with their new capacities, the students can develop the scope and the perceptive abilities to recollect, and to connect, to see relationships – abilities which make it possible to build a comprehensive picture whether the subject is history, physics, or math.

- Colonial America
- Revolutionary War
- American Expansion
- Civil War and Reconstruction
- Industrialization and the World Wars
- Grammar/Composition
- Geometry & Algebra
- Anatomy and Physiology
- Physics
- Chemistry
- Choir
- Advanced Band
- Student Leadership
- Drama (Middle School Production)
- Interscholastic Athletic
- Culinary Arts

PBL DEVELOPMENTAL PROGRESSION

TK-SECOND GRADE:

Connection to nature, “On your campus”

Place based education in the primary grades is focused largely on nurturing positive experiences in nature and the surrounding community through play, exploration and structured learning experiences. Students in the early grades spend time in the garden, play in the Dragon Playground (a student-created natural playscape), hike the nature trail, and become familiar with each of the three natural habitats on the school’s site. They are introduced to concepts through hands-on exploration and thematic instruction. They connect with their local community through field trips and classroom guest speakers. During these early years, our students build a deep and lasting connection to their campus and develop the skills to comfortably observe outdoors.

THIRD-FIFTH GRADES:

Observation, understanding, scientific processes “In your community”

Once the students have developed comfort and connection to their place, they broaden their learning in both geographic and scientific realms, and their studies become more complex. For example, they conduct a seed study, research Northern California owl habitats, learn about steelhead and participate in a release project, engage in a study of marine ecosystems, practice natural journaling, and continue to engage with the campus regularly. These students expand their definition of place, learning about and exploring Sonoma County, California and the United States. Our students build upon their exploration by learning specific observation practices through the scientific method and process, and through data, begin using those observations to understand the mechanisms behind fundamental ecological and social processes.

SIXTH-EIGHTH GRADES:

Evaluation, action “Your global community”

The upper grades build upon observation and understanding to evaluation, synthesis, and action. They take on leadership roles by teaching younger students, such as in the “big buddy/little buddy” program, Climate Action Club, service learning, and hosting an Earth Day Climate Change Teach-In. Their study becomes more global; students study state, national, and global environmental and social issues and engage in advocacy for environmental causes. Speakers from a variety of professional fields are brought in regularly to broaden students' knowledge and their ideas of possible place-based careers. There are two dedicated PBL enrichment classes during the year for 7th and 8th graders to do meaningful PBL work on campus such as tree planting and natural building projects. Through these experiences, our students can think critically, have a strong sense of place, have social empathy, and are empowered to act on complex social and environmental issues.

PHYSICAL EDUCATION AND HEALTH

Harmony students participate in PE activities in all grades. Starting in Kindergarten students work with the PE teacher developing balance, coordination and strength. Throughout the years new games and activities are introduced to improve student health and well being, and develop the cooperative skills to play in a productive and emotionally supportive way. Understanding what positive competitive play looks like, the importance of sportsmanship and of the reciprocal relationship of players on the same and opposing teams are crucial to the PE curriculum. Developing an understanding of the body, physical fitness, exercise and self care are also key components to our curriculum.

For PE classes students are expected to be dressed appropriately for play, follow the rules of the game, and support all students in game play in a positive and supportive manner.

MUSIC

The formal music program begins in Kindergarten and continues through 8th grade. The music program includes both voice and instruments, though the voice is a primary tool for exploration. Early years begin with instruction in pitch and rhythm. As students progress through the grades, different musical instruments are explored including a host of tonal percussion instruments, recorders and ukuleles. In the intermediate grades students are introduced to traditional band and orchestra instruments along with musical notation and study of the many genres and cultural expressions of music around the globe. The program culminates with Advanced choir and band in the middle school, integration in the middle school play, and in the schoolwide Harmony/Salmon Creek Marching Band that participates in local parades.

GARDEN AND FARM TO TABLE

The Farm and Garden program and its associated culinary arts strand are a key component of place based learning, and the heart of our school identity. The school garden has been built by many hands over the decades. Numerous art and construction projects sprinkly our exemplary school garden that is perhaps the best such example in California. Our garden coordinator and assistant provide both instruction to our students as well as constant management of the garden, both as a teaching space and as a real production farm. The produce supported and harvested by students and our amazing staff goes into our food service program, as salad fixings, pesto for pasta, and ingredients in sauces and main courses.

Students also have the opportunity to turn the bounty of the garden into their own food. Cooking classes, recipe experiments and tasting activities occur throughout the grades. A competition for best dressing occurs in the upper grades with the winning recipe featured in the salad bar.

Volunteers are always appreciated in the garden. It takes a great deal of labor and love to keep such a thriving program growing.

TEXTBOOKS AND MATERIALS

Harmony reviews and updates its adoptions to meet the needs of its students and update content to fulfill progressive improvement in curriculum standards and frameworks. Current materials include:

- English Language Arts: Heggerty Reading, Writers Workshop, Writing Without Tears
- Social Science: TCI History Alive
- Science: FOSS, TCI Science
- Math: Bridges, Illustrative Mathematics
- Health: TCI Health, 3R's Puberty and Reproductive Health
- SEL: Second step, Character Strong, Welcoming Schools
- Assessments: Fountas and Pinnell, Dibbles
- Software: Lexia, IXL, ALEKS
- Hardware: Chromebooks and iPads

HOMEWORK

Harmony appreciates the need for students to have ample play and discovery time at home. Homework across the grades averages around 5-10 minutes per grade level per day as approximation of time commitment required. As students age into the grades, small activities may be sent home with children to engage parents in their child's explorations. As students progress in age, some assignments not completed in class may be sent home for extra support along with weekly practice exercises. By middle school students will have assignments posted in Google Classroom that require several days or weeks to manage. Harmony's goal is to prepare students for the scholastic demands of high school and higher learning. Communication between teachers and parents is essential as we work together to support student development of executive function and planning skills for longer assignments.

ACADEMIC INTEGRITY

We encourage collaboration between and among students, but ask that their work on individual projects and assignments be their own. Behaviors such as copying work from another student when the assignment was intended to be a student's original independent work, cheating on a test, plagiarizing a published source without properly citing the reference, or falsifying information (such as a parent signature) are antithetical to maintaining academic integrity.

With the advances in AI and creative language tools is posing a significant challenge in this area. Though AI may offer benefits in some areas, it presents numerous risks for student learning. The temptation to use generative AI instead of struggling through a writing assignment will be strong. The writing process is a training ground for improving reason and artistic expression. The struggle to form prose that truly communicates the student's thoughts is crucial to the development of their critical thinking, communication skills and executive function. Handing over the responsibility to a computer offloads any of the instructional benefits of writing assignments. If students are found to be using AI generated text, students will be required to repeat the assignment. Further intervention will be provided if the use is repeated.

■EXTRACURRICULAR ACTIVITIES

ATHLETICS

Harmony is part of an interdistrict sports league with many west county schools participating. Students in grades 6-8 are invited to participate in league play. The sports offered include:

Fall:	Boys Flag Football	Girls Volleyball	Cross Country
Winter:	Boys Basketball	Girls Volleyball	
Spring	Boys Volleyball	Girls Flag Football	

Sometimes the teams are leveled by grade, sometimes multigrades participate on the same team. Given that Harmony is a small school, it can be a challenge to field a full team for all grades. In this case one team may be composed as a multigrade team, however students are only allowed to play UP in grade level not down.

- The league is clear in its support of transgender student participation; students play in whichever program conforms to their gender identity.
- Travel to games is generally via volunteer carpool, though bussing sometimes occurs. The athletic director and team coach will provide information for coordination.
- Coaches are always needed. If you have an interest and ability in coaching, please contact the Athletic Director for more information.

MIDDLE SCHOOL PLAY

A major tradition at Harmony is our annual middle school play. Each year our 7th and 8th grade students spend their winter trimester producing a large scale performance. Students learn set design, lighting and sound, costuming and the basics of acting and stage presence. The full middle school team of staff collaborate in this work supported by a host of parent volunteers. Early dress rehearsals are presented to the younger grades and the public performances are then held during the culminating weekend.

The bonding that occurs throughout the play for our middle schoolers is significant. The play functions as a significant team building project for our students, and a milestone in their experience at Harmony. Parents with an interest in supporting the program are encouraged to contact staff in the fall to assist with the project.

MIDDLE SCHOOL DANCES

Harmony joins with several other small west county district's to host interdistrict dances throughout the year. Typically 4 are held annually with Harmony hosting a dance in the spring. Student's who wish to attend a dance must provide a signed permission form their parent or guardian, as well as receive endorsement by the Principal to attend. Travel to dances is a family responsibility, though carpools are common. Generally 6th through 8th grade students are invited to attend. Information about upcoming dances will be distributed by middle school teachers and the office. Completed permissions slips are turned into the office. A small ticket fee is charged by the student council as a fundraiser. If this presents a challenge for your child to participate, please contact the office.

FIELD TRIPS

Field trips are an important supplement to our regular curriculum. The teacher follows a set procedure for requesting approval for a field trip. Parents are often asked by the teachers to attend the field trips to help with driving and supervision of the children while off campus. Parents wishing to attend a class field trip are subject to teacher approval and fingerprinting requirements.

Transition field trips offered throughout the grades include:

Peanuts Museum

Children's discovery museum
Luther Burbank Center for performing arts and presentations
Local Farms
Local Natural History Points of Interest
Habitat restoration
Ropes courses and team building
Swimming classes at Ives
Art Museums
Science and Natural History Museums
Historical and living history Museums and centers
Preserves, Regional, State and National Parks

Overnight Trips generally begin in 4th or 5th grade. Some overnights may include trips to the Sierras, Pinnacles, Yosemite, Monterey Bay, Point Reyes and others. Overnight trips are significant productions and require a great deal of volunteer support. If you have experience or interest in this area, please reach out to your class teacher to offer your help.

Field trips are sometimes the most cherished events that graduates recall years later. They are precious opportunities to build class culture and stretch student's experience and confidence. Though they often come at a high cost to the district via transportation, tickets, and staffing, they are valued for all of the benefits they bring. No fees are charged for any field trip, but donations are gratefully accepted to support our field trip program. Please consider making a donation for field trips to SHARK, or signing up for a monthly pledge to support these opportunities.

PERMISSION FORMS

For standard field trips, specific permission forms will be sent home at least 2 weeks prior to the field trip. This form will include the date and time, location and activities your child will participate in. This form must be turned into the office 1 week in advance of the field trip. Emergency Contact and Consent To Treat form must be current or the child will not be allowed to attend the trip.

VOLUNTEER TRANSPORTATION

Some field trips utilize transportation provided by parent drivers. Parent drivers must have filed the required Volunteer Driver form; provide proof of current registration and adequate auto insurance, and a copy of their driver's license two weeks prior to the field trip.

Students age 11 and under must sit in a rear seat with a shoulder belt. Appropriate passenger restraints, including booster seats if necessary (Under 8 years of age or less than 4'9"), are required of all passengers. Volunteer drivers shall not deviate from the mapped directions. Field trip drivers are provided with emergency forms for the children they are transporting.

If you are interested in being a driver on a school sponsored field trip, please fill out and submit the following forms and information:

- Application to Drive Private Vehicle for School Function
- Required supporting documents:
 - Copy of Driver's License
 - Copy of vehicle insurance policy (not the insurance card) with the following coverages:
 - Bodily Injury/Combined Single Limit \$500,000
 - Property Damage: \$100,000
 - Medical Payments: \$10,000

You can email the filled PDF and required documents to the Office Manager.

All information must be received in the office at least 2 weeks prior to date of field trip.

Application and information remain valid for one year, or until license, insurance policy or registration expires. Waiver to drive your own child on field trip-please complete this form if you are transporting your own child ONLY on a field trip

BOOSTER SEATS AND CAR SEATS

Any student who is driven in a car on a school-sponsored field trip and meets the California legal requirements for car seats and booster seats, **MUST** have one in the vehicle they are being driven in. It is the law. Please click on the link regarding the Ca car seat and booster seat law to see if your child needs one.

California Law

- Children under 2 years of age shall ride in a rear-facing car seat unless the child weighs 40 or more pounds OR is 40 or more inches tall. The child shall be secured in a manner that complies with the height and weight limits specified by the manufacturer of the car seat. (California Vehicle Code Section 27360.)
- Children under the age of 8 must be secured in a car seat or booster seat in the back seat.
- Children who are 8 years of age OR have reached 4'9" in height may be secured by a booster seat, but at a minimum must be secured by a safety belt. (California Vehicle Code Section 27363.)
- Passengers who are 16 years of age and over are subject to California's Mandatory Seat Belt law.

When can a child graduate to a booster seat?

California law does not address graduation time from a five -point harness to a booster seat. In the interest of safety, do not rush to move a child into a booster seat before they're ready. Each time you "graduate" your child to the next seat, there's a reduction in the level of protection for your child. Keep your child in each stage for as long as possible.

A child is ready for a booster seat when they have outgrown the weight or height limit of their forward-facing harnesses, which is typically between 40 and 65 pounds. Read the forward-facing car seat's owner's manual to determine height and weight limits and keep your child in a harnessed seat for as long as possible.

Children at this stage are not yet ready for adult safety belts and should use belt-positioning booster seats until they are at least 4'9" and between 8 and 12 years old. Safety belts are designed for 165-pound male adults, so it's no wonder that research shows poorly fitting adult belts can injure children.

CARPOOL SAFETY

- The vehicle must be in good repair with adequate fuel.
- Pick-up and drop-off children only at school.
- Do not make detours for errands while chaperoning students.
- Insist that each child is buckled up in individual seat belts and that the doors are locked before starting the motor.
- If possible, lock the power window and door controls from the driver's seat. Set rules and maintain strict discipline in the car. Do not allow talking or behavior to become a distraction to your driving.
- Pull over if any child in the group gets out of control.
- Do not play the radio or tapes, or use the cell phone while you drive. It will allow you to monitor the children better and to concentrate on your driving.
- Remove hard or heavy objects from the interior of the car during the trip. Loose objects can pose a danger during a crash.
- Have emergency contact and health information for each child who rides in your car.

- Make sure your car is equipped with a well-equipped first aid kit; the office has kits you may borrow if you feel yours is inadequate.
- Be sure your insurance coverage is adequate, up-to-date, and filed with the school office if driving for a school function.

FINGERPRINT SCREENING INFORMATION

Field Trip Volunteers are required to complete fingerprint screening. Fingerprint screening can be obtained at the following locations:

- Sonoma County Office of Education Reduced cost Wed- call for an appointment
- Sebastopol Police Department- may incur a fee
- Any Livescan office- may incur fee

FINGERPRINT FORM

Fees for fingerprinting may be reimbursed for some individuals. Please contact the office for more information. Once fingerprints have been cleared, volunteers may begin working with students. If you have been fingerprinted for Harmony Union in the past, you do not need to be fingerprinted again. If you have been fingerprinted for another agency, you still need to be fingerprinted for Harmony Union.

CHAPERONES

Parents may be asked to chaperone a class field trip. Parent chaperones are responsible for the safety and supervision of students and support of the teacher during the trip. Parents must be cleared through the office for participation.

SIBLINGS

Siblings, including young children, are not allowed on field trips. The school's insurance carrier does not allow their participation. Chaperones must be fully available to attend to the students on the field trip without the potential need to attend to another child.

8TH GRADE TRIP

It is a Harmony tradition for the 8th grade to celebrate the culmination of their educational journey with a class trip. The trip is chosen and developed by the middle school team in collaboration with the Superintendent. The purpose of the trip is to provide a culminating experience for the students as they prepare to depart their primary school experience. Trips frequently feature group initiative, experiences in nature, play, contemplation, and ceremony. The 8th grade trip is a more expensive venture that often requires additional fundraising. Donations may be made to SHARK in efforts to fully fund the field trip program.

■ PROGRESS REPORTS & ASSESSMENT

ACADEMIC PROGRESS REPORTING

Student progress reports and parent conferences provide important information for parents to monitor child progress and development and support the academic work of their children at school. Progress reports are available through the AERIES Parent Portal on the release date. Progress report releases occur 2 weeks after the end of the preceding Trimester. A parent square notification will be sent home when progress reports are posted. Marks are a 1-4 scale with the following Definition:

1. Emerging
2. Developing
3. Proficient
4. Advanced

Elementary: TK-5th Grade

In the early grades, a standards based report card outlines the major areas of growth targeted for the school year.

Middle School: 6-8

The standards based report cards transition to a more traditional report card in grades 6-8, with letter grades making their entry alongside some remaining standards based domains.

Grading Periods

The Fall Trimester closes around the first week of November. Fall progress reports are sent home two weeks later, generally near Thanksgiving break. A second session of parent teacher conferences is held in February with Winter Trimester report cards sent out in March. The Spring Trimester report card is sent home in June. Parents may request additional conferences as needed.

PARENT/TEACHER CONFERENCE

Parent/teacher conferences are held in October and again in February. The purpose of the conferences is to facilitate communication between school staff and caregivers, provide updates on student progress and discuss important context for student development. Parents may request additional conferences as needed.

STATE TESTING

Our school is required to administer the state-mandated tests from 3rd through 8th grade. Since Harmony Union School District follows the developmentally based Placed Based Learning curriculum, our instructional scope and sequence is different from the pattern assumed by the creators of the STAR and other state assessments. In general, early grades are more out of sequence than later grades. Test performance throughout the grades demonstrates this early grade bias. By middle school our classes perform very well on state testing, surpassing peers at neighboring schools.

While we don't measure a student's learning solely by state mandated tests, we do find the results helpful in tracking student performance. Test results also provide important feedback that assists in identifying areas of instruction needing improvement. In addition, as a publicly funded Union School District school, the STAR test is a measure by which our Union School Districting body, Petaluma City Schools, and the Department of Education consider our success. It is helpful to demonstrate to those in the public realm who are unfamiliar with Placed Based Learning education, that our students do well by state measures as well as our own.

■ LEARNING SUPPORT

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The first step for accessing learning support is a discussion with your child's teacher. Initially, the teacher will attempt interventions and accommodations through lesson design and in class assistance. If the child continues to find difficulty, it is best to broaden the conversation to look at other supports. The first step in this process is holding a Student Study Team (SST) meeting.

STUDENT STUDY TEAM (SST)

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The Student Study Team is composed of the Class Teacher, Superintendent, Parents, and other relevant staff as needed. The team meets to discuss academic, social, or behavioral concerns. This meeting is an opportunity to share observations of student performance, examples of student work, and results from recent assessments to build an understanding that can guide a response to the concerns. Teachers frequently initiate SST meetings, though parents may request an SST meetings as well. Parents should contact their teacher to discuss if an SST would be helpful.

At the SST, the team will discuss ways to support the student in their struggles and monitor the response to attempted interventions. The outcome of the SST is often a new understanding of the needs of the student, and a new set of tools that may support them. Several SST meetings may be held for a child over time. SSTs can be held to track progress and make adjustments to interventions over time. As a child's progress improves, the need for SSTs may diminish. There are times when the child does not respond to the interventions attempted through the SST process. If a child demonstrates persistently slow academically progress, this could be a sign of a deeper learning issue. In this case, additional assessments may be explored to determine other services that could assist the student.

504 PLANS

504 Plans are offered under Section 504 of the American with Disabilities Act. A 504 Plan may be necessary to support students with medical disabilities that adversely impact their ability to learn. For example, students with a significant vision deficiency may need specific accommodations to satisfy their needs. Alternatively, a person with reduced mobility may have unique needs that could be addressed through specific 504 accommodations. If your child has a medical condition that significantly impacts her learning, it is important for the teacher and school staff to be made aware of the condition. Most situations do not require a 504 Plan, but in some cases, a 504 provides formal support for students in need. Questions regarding 504 Plans should be directed to your Teacher or Administration.

SPECIAL EDUCATION

Harmony Union School District provides a spectrum of services and placements for students with IEP eligibility. Children who are potentially eligible for these services, or who have a current Individualized Education Program (IEP), receive evaluation and/or ongoing support in a manner that is in compliance with the Individuals with Disabilities Education Act, and that meets the specifications of his/her Individualized Educational Program. The IEP team, composed of caregivers, teachers, administrator, resource specialist program teacher and school psychologist develop plans for assessments and evaluate results and observations to determine eligibility and identify relevant supports. If a student is identified as eligible for special education services, and the parent/guardian consents to the provision of such services, then an IEP

will be drafted. This plan may include interventions that were already in place under Student Study Team plans, or it may include additional services or placement changes specific to the student's needs. The IEP guides instruction for one or more subject areas, and may last for several years. The plan is updated annually, and every three years students are re-assessed to consider eligibility..

MULTI-TIER SYSTEM OF SUPPORT-MTSS

The Board of Education desires to provide high-quality, data-driven educational programs to meet the learning and behavioral needs of each student and to help reduce disparities in achievement among subgroups of students. This multi-tiered systems framework and approach composed of academic, behavioral, and social interventions and supports will strengthen schools to be safe, caring and effective learning environments for ALL members of the school community. Students who are not making academic progress pursuant to district measures of performance shall receive intensive instruction and intervention supports designed to meet their individual learning needs.

STUDENT RESOURCE TEAM

Harmony has a multi Tiered system of academic, social, emotional and behavioral support managed by the Student Resource Team which is composed of the Principal, Assistant Principal, Counselor, School Psychologist, Student Advisor, Intervention Coordinator and Special Education Resource Specialist. The team meets twice weekly to manager referrals, provide

INTERVENTION SUPPORT SERVICES

When students are found to be struggling in making academic progress, referrals may be made to the intervention support team for targeted support. Supports may include additional small group tutorials or one to one supplementary instruction. Intervention Teachers are specialists in our teaching community with expertise in reading and math development. The team is also integral in conducting our benchmark assessments throughout the year.

ACADEMIC COACHING TEAMS

In a multi-tiered system of support, in class instruction is the foundation of the learning process. The challenge with classroom wide instruction however, is the great diversity of student proficiency that may be present in the same room. To improve the relevance and congruence of instruction, the academic Coaching Team model is used in the elementary grades to provide homogenous small group instruction as a core process for instruction. Having students in a small group with peers that are at a similar level of proficiency has been demonstrated to increase student academic risk taking which results in faster academic growth.

HOMEWORK CLUB

For students in grades 4 and up, students who need extra help on assignments may request to attend homework club. Teachers may also make referrals to homework club for students who need assistance with work completion or who need tutorial support. Homework club is held in the library after School MTWF from 3:15 to 4:30 and Thursday from 1:15 to 2:30.

■ STUDENT CULTURE

SOCIAL SUPPORT

At Harmony, we offer compassionate conflict resolution strategies, recovery opportunities when mistakes are made, and counseling by staff for moments of crisis or frustration. Effective social support begins with healthy listening and speaking skills, empathy development through mindfulness, awareness of personal feelings, and problem solving to resolve conflicts. Social support is a broad process that involves many different activities across the campus and school year: Skits and stories are used to teach appropriate behavior and life skills. Restorative conferences provide a forum for conflict resolution. Class circles allow students to discuss recurring issues that need peer support to remedy. Character development and clear discipline practices provide the structure and boundaries for children to feel safe and grounded. Social and emotional support permeates every activity at Harmony from main lessons to our festivals.

SOCIAL EMOTIONAL LEARNING (SEL)

Harmony employs Social Emotional Learning Curriculum throughout the grades to build student capacity and skill in managing conflicts, improving self regulation, building executive function, expanding communication skills and increasing inclusion and healthy social engagement. SEL programs have seen significant development over the past couple decades. CASEL, the Collaboration for Academic Social and Emotional Learning, is an organization that has spearheaded



SEL development. Harmony uses several CASEL aligned curricula to support SEL goals including **SPOT** for primary grades, **Second Step** for grades K-8 and **Character Strong** in grades 6-8. Lessons are taught during class circles in the lower grades, or during student advisory in middle school.

PYRAMID MODEL

The Pyramid Model is a comprehensive, multi-tiered framework of evidence-based practices that promotes the social, emotional, and behavioral development of young children. More Information on the Pyramid model may be found here: <https://challengingbehavior.org/pyramid-model/overview/basics/>

The guiding principles of this model include promoting skill building with enough intensity to affect change, implementing strategies in the context of naturally occurring routines and environments, and modifying strategies so they are responsive to the cultural and linguistic diversity of families and children. The Pyramid Model is not a curriculum, but rather a framework to promote social-emotional development. The Pyramid model was developed for an early childhood setting, but its principles translate to upper grades as well. Key components include:

A Nurturing and Responsive Relationships

We know that nurturing and responsive relationships are essential for healthy social-emotional development. For the Pyramid Model, 'relationships' includes children, families, and team members. For instance, it is important that caregivers develop positive relationships with the children in their care, with their colleagues, and with the families they serve. It is crucial for all young children, including those with the most persistent challenging behaviors, to have access to positive, supportive relationships with their caregivers and peers.

A High-Quality Supportive Environment

The second component of the Pyramid Model's first tier is a high-quality, supportive environment. This includes the physical design, environmental cues (such as visuals), schedules and routines, carefully planned

transitions, promoting engagement, making adaptations and modifications so all children can participate, and keeping classroom rules simple and positive.

Positive Descriptive Feedback

PDF encourages learning and emphasizes “feedback” rather than praise or reinforcement because children need to understand what they have done and why we are acknowledging it. Statements like “good boy,” “excellent job,” and “well done” are examples of praise that provide non-descriptive feedback. The child may respond positively to this kind of praise but it does not help the child understand anything about his behavior or skills. Positive descriptive feedback provides information about the behavior and is a powerful strategy for teaching new skills. These are some recommendations and considerations for using positive descriptive feedback in the classroom.

CLASS CIRCLES

Class circles are the backbone of our social support, weaving together active listening, mindfulness practices for empathy development and honest and respectful communication. Class circles are held in grades 1 through 8 to discuss issues of concern or conflicts in the social group. The Superintendent visits class circles as necessary to support the development of healthy communication and trust in the class environment.

CONFLICT RESOLUTION

Teachers and the administrative staff will provide small group or paired conflict resolution when necessary. Restorative Resource questions guide conflict resolution conferences to support students in the development of empathy, and resolve their suffering, and identify solutions. Positive adult response to students in conflict is important to the development of trust and understanding in our children. Nothing is more important than a student’s sense of safety and harmony with their peers.

SAFE SCHOOL AMBASSADORS

The Safe School Ambassadors Program (SSA) is our evidence-based program that harnesses the power of students to prevent and stop bullying and mistreatment. It is considered a social-emotional learning program (SEL) and has been approved by many school districts as meeting their required SEL criteria.

The SSA Program is a student-centered model that educates diverse social leaders with the skills to prevent and reduce bullying. It is the nation’s most effective student-led bullying prevention program.

The Safe School Ambassadors Program relies on the “inside-out” approach to improving school climate. Student bystanders see, hear, and know things adults don’t, can intervene in ways adults can’t and are often on the scene of an incident before an adult. They are a critical and necessary resource for positively impacting the crisis of bullying in our schools.

Sample Questions/Topics for Community Building

CIRCLES

Example Circle Guidelines:

- Respect the talking piece: everyone listens, everyone has a turn.
- Speak from the heart: your truth, your perspectives, your experience.
- Listen from the heart: let go of stories that make it hard to hear each other.
- Trust that you will know what to say: no need to rehearse.
- Say just enough: without feeling rushed, be concise and considerate of the time of others.

<p style="text-align: center;">Getting Acquainted</p> <ul style="list-style-type: none"> • Share a happy childhood memory • If you could be a superhero, what super powers would you choose and why? • How would your best friend describe you? • What would you not want to change about your life? • If you had an unexpected free day, what would you like to do? • If you were an animal, what animal would you be and why? • Name one thing or person who always makes you laugh. • What do you like to collect? • If you could have a face to face conversation with anyone, who would it be and why? • Describe your favorite weekend activity. • Describe your favorite place. • If you could change anything about yourself what would it be? • What is your favorite color? • What is your favorite thing to eat? • What is your favorite movie? 	<p style="text-align: center;">Check-in Circle</p> <ul style="list-style-type: none"> • How are you feeling today? • What was a highlight or a low point of your evening/weekend? • What is something that you are looking forward to today or this week? • What is one thing you would like to accomplish today? • What was the biggest challenge you had in completing your homework?
<p style="text-align: center;">Check-out Circle</p> <ul style="list-style-type: none"> • What was your favorite thing about today? • What are you looking forward to the rest of the day, this evening, or this weekend? • Give a compliment to someone for something they did well this week. • Talk about one of your academic goals, and how you furthered that in class. • Tell something fun or funny that happened to you today. 	

www.restorativeresources.org

The Safe School Ambassadors Program harnesses the power of the socially influential leaders of a school's diverse cliques; the ones who shape the social norms that govern other students' behavior. These leaders are carefully identified through student and staff surveys. They are selected based upon specific criteria, such as: strong position and influence in their peer group, good communication skills, and a history of standing up for friends.

The recruited students participate in a two-day interactive training along with several adults who serve as program mentors. The training gives student Ambassadors the skills and tools to resolve conflicts, defuse incidents, and support isolated and excluded students. After the training, small group meetings of Ambassadors are held every few weeks. These meetings, led by the adult mentors, provide time for strengthening skills, support data collection and analysis of Ambassador interventions, and help sustain student and adult commitment to the program.

STOPIT REPORTING APP

STOPit is a student safety program providing easy, anonymous reporting of safety, bullying or threat concerns to school staff. Students may access the STOPit app in any school issued chromebook using the installed application link, or any other internet enabled device by going to the STOPit website at the following link:

<https://appweb.stopitsolutions.com/login>

Then enter the school code: HARMONYUNIONSD

Access to the reporting site can also be gained by using the QR code adjacent.

An app is also available for both Google and iOS.

STOPit Process:

1. Submit a tip via mobile app, website or 24/7 phone hotline
2. Incident Response Center monitors and reviews your submission
3. School Administrators receive and act on tip submission



Reportable incidents include: Bullying, Cyberbullying, Harassment, Violence, threats, or weapons possession, Alcohol or drug related issues, and Discrimination

WELCOMING SCHOOLS

Harmony Staff have been trained in the Welcoming Schools program. Welcoming Schools is a comprehensive bias-based bullying prevention program that provides LGBTQ+ and gender inclusive practices, lesson plans, resources. The program recognizes the uniqueness of each family and gently helps children of many family contexts to feel comfortable and welcomed, not in spite of their differences but acknowledging them with honor. Harmony is a gender inclusive school dedicated to, preventing bias-based bullying, and supports transgender and non-binary students as they are..

DIVERSITY, EQUITY AND INCLUSION

There is a great deal of diversity in the families we serve, and we strive to ensure that everyone feels welcome in our schools. Harmony faculty and staff recognize that we are a multi-racial, multi-ethnic, multilingual school district, and understand a key component of our mission is to provide a positive, harmonious environment in which respect for the diversity of individuals within our school community is promoted. It is our diverse heritage and cultural lineages that strengthens us as a society. E Pluribus Unum, "From Many, One"...the motto of the early states as they joined to form a more perfect union.

To this end, Harmony works to educate students on the nuance and reality of living in a diverse society. The necessity of tolerance and civility, the importance of recognizing difference, not as a pathway to

separate people from each other, but as a path to acknowledging the uniqueness of each person and how their uniqueness is both personal and cultural. Ultimately understanding how to appropriately provide equity in a dynamic society.

NON DISCRIMINATION

Harmony Union School District prohibits, at any district school or school activity, discrimination, harassment, including sexual harassment, intimidation, and bullying, based on actual or perceived 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, medical information or association with a person or group with one or more of these actual or perceived characteristics.

Harmony will not tolerate behavior by students, staff or visitors which insults, degrades or stereotypes any race, gender, disability, physical characteristics, ethnic group, sexual preference, age, national origin or religion.

COUNSELING

Harmony's full time counselor and access to supplementary therapy services provides students an additional system of support throughout their development and growth at Harmony. The counselor supports the SEL program, provides instruction to students in classes at all grades, including the middle school advisory. The counselor runs friendly lunch bunches, inviting students in need of peer connection to build connections and healthy relationships. The counselor works with children experiencing trauma or school avoidance, developing support plans and coordinating check ins and services for students to support their emotional well-being. The counselor also provides resources for families and works closely with the student resource team to monitor the full population of students, identifying students in need and connecting them to services.

GROWTH MINDSET

"If you miss a goal into an open net it's not the end, it's the beginning" (6th grade student).

The psychologist Carol Dweck explored what quality has the greatest impact in learning success. She discovered that it wasn't some fixed measure of talent or smarts. She instead found that it was the student's mindset...their belief about how the learning process looks and feels...that made all the difference in the world. Dweck eventually described 2 contrasting mindsets that many people hold about learning. She explained:

"In a fixed mindset, people believe their basic qualities, like their intelligence or talent, are simply fixed traits. They spend their time documenting their intelligence or talent instead of developing them. They also believe that talent alone creates success—without effort."

"In a growth mindset, people believe that their most basic abilities can be developed through dedication and hard work—brains and talent are just the starting point. This view creates a love of learning and a resilience that is essential for great accomplishment." (Dweck, 2015)

One of the greatest challenges we face as educators, and as parents, is how to help a child that is "stuck" continue the learning process forward and not give up part way through. What Dweck states is that the actual process of struggling; the discomfort of "this is hard" or "I don't get it" is not a failure in learning...but an essential aspect of learning itself...in many ways it is the doorway through which learning

occurs. Which is a long way of saying that we need to help our children learn how to struggle with courage and hope.

Learning is Hard

And unfortunately, even at an early age, students begin to develop a self conception informed by their perceived struggles or achievements relative to their peers. This is why so much care goes into providing a class experience that reaches students where they are and provides a more tailored path to their own growth. This concept informs Harmony’s Academic Coaching Team model and the many tiered supports for academics and social and emotional development that Harmony has established.

The important lesson for students is that the struggling is the learning...the momentary failures or mistakes? That is the learning process happening! Though we often measure our success as parents or educators on the “AHA!” moments...the most important moments we should be leaning into are the “UHHHH?” moments. This is where the crucial capacity for resiliency and persistence are trained. This is where we must build dogged optimism into our little learners. Learning is a marathon, and we must condition our expectations around the learning process to prepare us to successfully stretch our performance.

Harmony’s philosophy is built upon this foundation::

1. Our capacities are not fixed: If we *truly* hold this view, we will be more effective in our personal growth and learning.
2. Resilience, persistence, and dogged optimism through the struggle is what REALLY drives learning.
3. A failure is not an endpoint, it is a starting point for our next leap forward.

Whether a student holds a fixed mindset or growth mindset significantly impacts their learning experience—from elementary school to high school. Students that hold a fixed mindset give up when they can’t solve a problem and admit defeat. This can be detrimental to students’ future efforts and leads to limited student growth. With a growth mindset, students continually work to improve their skills, leading to greater growth and ultimately, success. The key is to get students to tune into that growth mindset. Our interactions with students impacts their attitudes about their own learning process.

“In the fixed mindset, everything is about the outcome. If you fail—or if you’re not the best—it’s all been wasted. The growth mindset allows people to value what they’re doing regardless of the outcome. They’re tackling problems, charting new courses, working on important issues. Maybe they haven’t found the cure for cancer, but the search was deeply meaningful,” (Dweck, 2015).

Resources for exploring Growth Mindset include:

- [Mindset](#) by Carol Dweck
- [Grit](#) by Angela Duckworth
- “How to Develop a Growth Mindset” by Trevor Ragan
<https://www.youtube.com/watch?v=V7XjFTtPl6o&t=0s>
- “The Process, a Year of Growth Mindset at Mineola”
<https://www.youtube.com/watch?v=PnDv9K8dXP8>

HARMONY VALUES

THE 5 ENDEAVORS

The Harmony Blossom represents the cluster of 5 Endeavors that Harmony Union School District recognizes as key to personal well-being, social health and scholastic achievement. The pursuit of each endeavor is essential to successful development, from kindergartener to graduate. The Harmony Blossom and its constituent petals are rooted in the concept of Growth Mindset, that each moment in life is an opportunity for learning, and that through challenge and intentional focus we expand our ability.



Nourish speaks to the foundation of health, balance, self care and wellness necessary for growth. It is obviously connected to nutrition which is poetic given our school's emphasis on farm to table and environmental stewardship. The word also suggests a directive to nourish others. To "nourish" is to provide the conditions necessary for learning.



To Wonder is to become inspired, to ponder, to question, imagine, contemplate, discern and consider. Curiosity and intrigue is the root of discovery. To Wonder is the act of embarkment, it is the doorway to the path of learning.



To Strive is to take the initiative, surrendering to the inevitability of mistakes, committing to the discipline of practice, persisting through obstacles, and struggling through the doubt. Striving is the force of movement through the path of learning. To strive is to activate aspiration through grit, focus and determination.



To Connect is to become aware of the relationship between things, between the self and others, and between facts or concepts. Within the context of learning, it represents the synthesis of ideas and information into coherent models. To connect is to cohere, to bind together the many teachings gathered on the learning path. It is to understand the meaning, comprehending the significance, of the path itself.



To Create is to explore personal experience, perspective and understanding. Creating is both a culmination of prior learning and is the start for deeper, meta-cognitive exploration of meaning and significance. To create is to birth meaning into the world (either privately or publicly) in story, art, or performance. Creating is the sharing of the self and engagement in the unfolding of the world as a participant. To create is to become a maker of paths, a builder of new learnings.

3 PRACTICES

The 3 Practices describes our individual commitments necessary for well being all

Be Safe and Caring to All

Be Cooperative and Cultivate Community

Be Purposeful and Lead with Integrity

ACHIEVEMENT CARDS

Achievement Cards are given to students who are observed practicing positive behaviors including 5

Endeavors and 3 Practices. Staff briefly fills out the achievement card. Achievement Cards are then brought by the student to the office to emboss and receive their sticker and token. Cards are then entered into the SIS and sent home. In addition, a silver challenge coin is given to the student. The coin may be used at the student store or kept as a collectible.

Tracking the accrual of cards is important to help us reach all students. Such data can be used to identify students who have not been recognized for their achievements, and also provides information on the token economy to assist in running the Aspire store.

BLOSSOM COINS

A challenge coin currency is used at Harmony to recognize students for demonstrating growth and fulfilling the 5 endeavors and 3 practices at Harmony. Wooden blossom coins are worth 1 unit. Silver blossom coins are worth 10. Coins can be exchanged for goods at the student council run Aspire Store or kept as collectibles.

HONOR PROGRAM

At the end of each Trimester a recognition ceremony is held. The Honor Assembly provides an opportunity to pause our daily routines to actively affirm the growth and achievements of our students and staff. Special certificates are conferred to students which can be brought to the Aspire student store to pick up their Honor Badge, and embroidered emblem of their accomplishment. Badges can be collected and sewn or ironed onto a stole for display. Some badges recognize specific goals, while others may commemorate participation in special projects, field trips or activities. The goal of the honor program is to find and acknowledge the many ways that students and staff contribute to the school community and their own personal development.

ASPIRE ASSEMBLIES

Throughout the year, spirit assemblies are held. Aspire assemblies are run by the student council and typically feature important event updates, performances by students, presentations by the student council or staff and our school song.

■ SCHOOL GUIDELINES

CONTROLLED SUBSTANCES

The use of tobacco, drugs and alcohol is prohibited on school grounds or while participating in school-sponsored activities, whether they occur on or off campus. The possession, influence, or use of any of these substances or paraphernalia is a violation of the Education Code and will result in suspension and possible expulsion. A student found in the presence of students actively using such substances may also be subject to disciplinary action. In the event of infractions involving drugs and alcohol, the police will be contacted for assistance.

DRESS CODE

Appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program. The following guidelines shall apply to all regular school activities:

1. Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive or which promotes the use of alcohol, drugs, tobacco, or other illegal activity.
2. Appropriate shoes must be worn at all times.
3. Clothes shall be sufficient to conceal undergarments. See-through tops and bare abdomens are prohibited.

The dress code may be modified as appropriate to accommodate a student's religious or cultural observance, health condition, activity or circumstance deemed necessary by the principal or designee. Ultimately Harmony asks that clothing remain functional, comfortable, and protective from weather conditions or activities (running, jumping, gardening).

Please label everything your child wears or brings to school: footwear, lunch baskets, backpacks, sweaters, sweatshirts, bags, hats, etc. Remember to check the lost and found at the front of the school for missing items. Lost and found items are periodically gathered and donated to charity.

ELECTRONIC DEVICES

School policy sets significant restrictions on cell phone and private electronic device use on campus. This includes field trips and other school events. Harmony, backed by recent research and legislative action, strongly encourages parents to delay giving cell phones and personal media devices to children until high school. In the event that a cell phone is determined by parents to be a necessity, the school recommends that the device chosen should be as media-simple as possible. If it is necessary for your child to carry a cell phone to school, your child will be required have it turned off during school and safely stowed.

Device guidelines are described below:

- Student use of cell phones is prohibited during school hours, after-school programs, and events.
- Students must have cell phones turned off and safely stored during school hours, after-school programs, and events.
- After school, student cell phone use is allowed to coordinate pick-up in designated cell phone areas.
- Designated cell phone areas include:
 - Front of school at flag circle
 - Main office
- Student use of cell phones is restricted to phone calls and text messaging unless expressly permitted by school staff..

- Viewing of audio-visual content on media devices is prohibited on campus at all times unless directly permitted by school staff for a specific, temporary, use.
- Student use of media devices to record video or audio on campus is restricted without prior permission from the office.
- Personal media devices including tablet devices and laptops should not be brought to school without prior permission from the office. Use of such devices at school must be done in accordance with the specific privileges and guidelines outlined by the school.

If a student is observed using a cell phone or device during school it will be collected by the teacher and given back at the end of the day. If this occurs more than two times the device must be turned over to the office and a parent will need to reclaim the device. Additional offenses will result in a parent conference to determine if continued possession of the device on campus will be allowed. An action plan may be drafted in such cases to govern future use. Students who need to make a call with their cell phone after school may do so inside the office using the landline.

Harmony requests that adults use cell phones in private whenever possible. The flag circle and parking lot at the front of the school and the main office are appropriate locations for cell phone use and offer the best reception.

USE OF DISTRICT TECHNOLOGY

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

Online/Internet Services: User Obligations and Responsibilities

- Students are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.
- The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
- Students shall use the district's system safely, responsibly, and primarily for educational purposes.
- Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
- Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)
- Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

- Personal information includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.
- Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
- Students shall not use the system to engage in commercial or other for-profit activities.
- Students shall not use the system to bully, threaten, intimidate, harass, or ridicule other students or staff.
- Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.
- Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
- Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.
- Students shall report any security problem or misuse of the services to the teacher or Superintendent/Principal.

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

■ PROGRESSIVE DISCIPLINE

ENSURING A HEALTHY ENVIRONMENT

Students need a positive classroom setting that is safe, trustworthy, and welcoming. The participation of our students in creating this positive environment is essential. When students behave appropriately all students benefit. When a student misbehaves, many students suffer. Students are expected to pay attention to their lessons, follow instructions promptly, cooperate with their peers, be ready for school, keep to appropriate noise levels, and show respect for peers, adults, and property.

Individual teachers will have variations of common classroom rules. Teachers discuss their expectations with students throughout the year. Students are also engaged in ongoing social support in class circles and assemblies that discuss behavior issues that are occurring in the classroom and on campus. All staff work together to hold our campus rules with consistency and positive support strategies to assist students in their behavior.

Staff may not directly observe some conflicts or transgressions. In such cases, it is important that when an incident or concern comes to the attention of adults, that it be reported to the child's class teacher or the office. If persisting conflicts are not reported and appropriately handled, students lose trust in the ability of the adults around them to keep them safe.

POSITIVE SUPPORT

Children respond best to clear and firm expectations and respectful and just responses to transgressions. When incidents occur, consequences are chosen to provide a natural response to the problem, and offer the opportunity for the student to recover from the mistake. The focus for the support is addressing the issue as directly as possible, and measuring the response to fit compassionately with the corrective needs of the situation and the ability of the child to process the situation.

RESTORATIVE PRACTICES

Restorative Practices will be used to build a sense of school community and resolve conflict by repairing harm and restoring positive relationships.

Through use of Restorative Practices, schools will focus both on prevention and intervention techniques to be used in the multi-tiered model. Prevention techniques encompass a set of relational and problem-solving practices that affirm trusting relationships among all members of the school community.

Restorative prevention techniques provide opportunities for social emotional learning and empathy development. Restorative Practices emphasize the value and importance of inclusive decision making practices where all voices are heard and valued. The Restorative Practice techniques apply practices such as a proactive relationship building circle to reaffirm relationships which build upon the unique cultures of all members of the community, and reinforce the common agreements and expectations across the school.

Behavior infractions are viewed through the lens of Restorative Practices philosophy. One that brings all parties affected by an incident together in an inclusive process to discover the root cause/s of challenging behavior and determines resulting impact/harms with intention to repair relationships and restore the community by following through with a strong plan of action to make things as right as possible. This approach views behavior infractions as an offense against individuals and the greater community, and places stronger emphasis on the harm/s caused and reparation of relationships/community above the need for assigning blame and dispensing punishment. Students may be invited to meet to resolve an issue

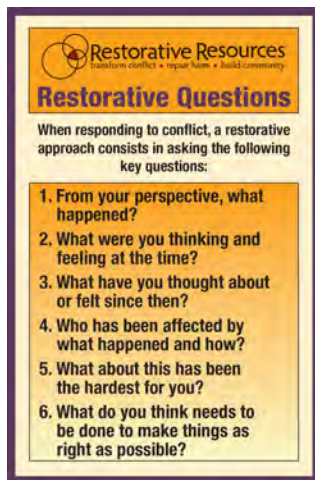
between classes or during class with the permission of an administrator or teacher. When appropriate, students may be referred for additional support services such as a school counselor.

Restorative Principles:

The following principles reflect the values and concepts for implementing restorative practices in the school setting. Under each principle are some of its important implications.

- Acknowledges that relationships are central to building community.
- Ensures equity of voice among all members of the community. All voices are valued, everyone is heard.
- Establishes a culture of high expectations with high support, emphasizing doing things “WITH” not “TO” or “FOR”.
- Builds systems that address misbehavior and harm in a way that strengthens relationships and focuses on the harm done rather than only rule-breaking.
- Engages in collaborative problem solving.
- Enhances accountability, responsibility and empowers change and growth for all members of the community.

RESTORATIVE CONFERENCES WITH STUDENTS



When investigating and exploring discipline incidents, Harmony staff uses the following questions to help guide an exploration of the situation with the involved students.

Five Guiding Questions for Resolution:

- From your perspective, tell what happened.
- What are your thoughts about it now?
- How have you and others been affected?
- What feelings or needs are still with you?
- What would you like to happen next?

For more acute incidents, students may be interviewed separately to allow them to tell their side of the story without interruption or influence from peers. Sometimes an incident may result in a conflict resolution conference, allowing students to talk about the incident with each other. Other times, the response to the incident may be handled through individual student conferencing with the teacher or staff.

PROGRESSIVE RESPONSE

Consistency is important to our students’ understanding of our boundaries and their sense of justice in their community. Consequences to misbehavior are handled with similar levels of response depending on the intensity and frequency of the behavior. Individual circumstances may require alterations to disciplinary responses to meet unique needs of different children. In all cases, consequences are crafted to be congruent to the nature of the specific incident and the needs of the specific student to midwife a healthy change in behavior.

The most basic intervention is a redirection by staff. Staff may offer suggestions to students to try a different approach or behavior in a situation. If the behavior persists or is acute, the student may be warned or given a response card below. The response cards outline a progressive level of intervention in response to behavior incidents.

CHALLENGE CARDS

When common redirection by a staff person is not successful, Harmony teachers and students use a card system for supporting and requesting assistance for behavior concerns. Challenge cards are rooted in the concept of GROWTH MINDSET. Harmony understands student's make mistakes and such mistakes are opportunities for the student to develop new and more healthy strategies to engage with peers or staff. Challenge cards present students with choice in how to resolve conflicts with peers or infractions of school rules.

MINOR INFRACTIONS

For infrequent and less acute behaviors, staff will use measured interventions to dissuade repeat incidents and offer an opportunity for the student to recover. For exceeding disruptive, repeated or negative incidents the interventions may be increased in duration or gravity. For example, timeouts may be lengthened, or a classroom timeout may instead be held in the office. A conference may also be held with parent and the child to discuss incidents and behaviors as they occur. Interventions for minor infractions may include:

- Warning
- Conference
- Restriction from the area or activity
- Confiscation of a restricted item to be returned to a parent
- Campus clean-up
- Repair or replacement of a damaged item

MAJOR INFRACTIONS

When behaviors persist in spite of earlier interventions, interventions may be escalated to provide greater support and deterrence. Above common responses for minor infractions, persistent misbehavior suggests a student may need a more comprehensive endeavor to understand the functions of the behavior and explore individualized supports that may have greater chances for successful redirection. A behavior plan is often developed to serve this need. The plan describes the nature of the target behavior and outlines the responses that may be used to redirect and deter the student from repeated offenses. Continued misbehavior may lead to an escalation of consequences including suspension from school. Interventions for Persistent Infractions may include:

- Parent-Teacher-Administrator Conference
- Behavior Plan
- Suspension

CRITICAL INFRACTIONS

At times, a student may engage in inappropriate behaviors that endanger the physical or emotional well being of other students, significantly disrupt or degrade the learning environment, and violate education or criminal code. In the event of singular but significant violations of education code and conduct, a student may be suspended for up to five days. Education Code 48900 and 48915 outline behaviors that may be grounds for suspension or expulsion, these include:

- Fighting or harming others.
- Threatening to fight or harm another.
- Causing injury.
- Harassment.
- Possession or being under the influence of a controlled substance.
- Possession of a real or simulated weapon.
- Disruption of school activities or defiance of the valid authority of the school.
- Damage to property.
- Theft.

Such behaviors are grounds for suspension and possible expulsion. Suspensions may be conducted on or off campus as assigned by the Superintendent. During suspension students are not allowed on campus except as authorized by the Superintendent. The authority to expel rests with the Board of Directors through a formal hearing, upon the recommendation of the Superintendent.

CONSEQUENCES & RESOLUTION

Positive Discipline protocols use logical consequences for some behaviors and situations. Jane Nelson, the author of Positive Discipline described logical consequences accordingly:

Logical consequences do not naturally occur as a result of behavior, but are intentionally planned by teachers and administrators. Logical consequences are similar to what would happen to an adult in a similar situation, therefore teaching students skills that they will need to be successful later on in life. Logical consequences need to be related, respectful, and reasonable (Nelson, 1985).

Harmony uses a responsive classroom approach to behavioral challenges in some contexts. Responsive classrooms, and the pyramid model, provide a balanced approach to interacting with student mistakes in behavior and fulfilling norms in the classroom or on campus. Please visit responsive classrooms for more details on how related, respectful and reasonable consequences, not punishments, are beneficial in correcting behaviors that were problematic within the context.

<https://www.responsiveclassroom.org/how-logical-consequences-are-different-from-punishment/>

CONDUCT POLICY

Harmony believes that all students have the right to be educated in a positive learning environment free from disruptions. Students are expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

Harmony Union School District has adopted Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice Practices as a model to support students, staff and families. This framework is used to support the social and behavioral needs of all students in our schools, through a continuum of intervention levels to address student needs and establishing disciplinary processes that effectively respond to and address behavior infractions.

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers. Prohibited student conduct that is related to school attendance or school activities includes, but is not limited to:

1. Conduct that endangers students, staff or others.
2. Conduct that disrupts the orderly classroom or school environment.
3. Harassment of students or staff, including bullying, intimidation, "cyberbullying," hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering.
4. Damage to or theft of property belonging to students, staff or the district.
5. Possession or use of laser pointers on school premises, unless used for a valid instructional or other school-related purpose, including employment.
6. Use of profane, vulgar, or abusive language.
7. Plagiarism or dishonesty in school work or on tests.
8. Inappropriate attire as defined by published school site dress codes.
9. Tardiness or unexcused absence from school.
10. Failure to remain on school premises in accordance with school rules.

DUTY CONCERNING CONDUCT OF PUPILS

Every teacher shall hold pupils accountable for their conduct on the way to and from school, and on the playground. The Board of Education recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

DUTIES OF PUPILS

Pupils must conform to school regulations, obey all directions, be diligent in study, be respectful of teachers/ others in authority, and refrain from profane/vulgar language. The Board of Education believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation. Please refer to BP 5131 Conduct for further information.

SUSPENDABLE OFFENSES

Grounds for Suspension or Expulsion (EC §35291)

As per Education Code 48900, parents, guardians and students are hereby notified that in schools of the Santa Rosa City Schools District a student may be suspended, or be recommended for expulsion from school if the principal or designee determines that the student, while on school grounds, or during a school-related activity off grounds, or while going to or from school, has committed any of the following offenses:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a)(2) Willfully used force or violence upon the person of another, except in self defense.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred by the principal or the principal's designee.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of an controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind,
- (d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or any products including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his/her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 8, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute

grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm, meaning a replica of a firearm so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit specified acts of sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged or attempted to engage in hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying.

(t) Aids or abets the infliction or attempted infliction of physical injury to another person.

Additional grounds for suspension or expulsion:

Education Code 48900.2 (Grades 4-12)

Committed sexual harassment such as gestures, verbiage, or unsolicited, inappropriate touching as defined in Section 212.5.

Education Code 48900.3 (Grades 4-12)

Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of section 233.

Education Code 48900.4 (Grades 4-12)

Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school district personnel or pupils by creating an intimidating or hostile educational environment.

Education Code 48900.7 (Grades K-12)

Made terroristic threats against school officials or school property or both. "Terroristic threat" shall include any statement, written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. The school is encouraged to provide alternatives to suspension that are age appropriate, research based and designed to address and correct misbehavior.

The district is required to expel from school for a period of not less than one year a student who is determined to have possessed, sold, or otherwise furnished a firearm; brandished a knife at another person; unlawfully sold a controlled substance while at school; committed or attempted to commit a sexual assault, or committed a sexual battery; or possessed an explosive. In addition, any student who commits one of the aforementioned violations will be referred to the criminal justice or juvenile delinquency system.

BEHAVIORAL EXPECTATIONS AND INFRACTIONS

Behaviors				
	Level 0: Healthy Behavior	Level 1: Minor Infraction	Level 2: Major Infraction	Level 3: Critical Infraction
Be Safe and Caring to All				
Respect Each Other	Be inclusive, take turns, listen well, and strive to resolve conflicts. Be kind and honorable in games. Respect people's possession, privacy, and body. Do not intentionally annoy others.	<ul style="list-style-type: none"> • Instigating others • Purposeful mean looks • Ignoring others • In others' space purposefully • Purposefully interfering others' games • Taking another's equipment • Not following game rules 	<ul style="list-style-type: none"> • Disrespecting a Guest Teacher • Instigating aggression in others • Physically restraining another student • Stomping bags, milk cartons, "poppers" to create loud noise/mess • Violating another's privacy (desk, backpack, physical privacy, etc.) • Demigrating another's identity 	<ul style="list-style-type: none"> • Exposing self or others, "pantsing" • Targeting Privates • Posting private information online
Protect	Ensure and protect the emotional, social and physical well being of others. No threats, intimidation, bullying, social aggression or acts of violence. No grabbing, pushing, hitting, or kicking.	<ul style="list-style-type: none"> • Gossiping • Starting or spreading rumors • Rough-housing, play fighting • Blocking other's path • Purposefully excluding others. ex: ("You can't be my friend if", "You can't be my friend unless", "Let's be mad at...") • Making threatening, inappropriate, or insulting gestures 	<ul style="list-style-type: none"> • Threatening physical harm • Threatening to start a fight • Threats against person/group • Purposeful intimidation • Purposeful scratching, headlocks, biting, tripping, etc. • Purposefully throwing ball at other • Purposefully trip, kick, push • Throwing another to the ground • Playing tricks to embarrass others • Ongoing harassment through social media, text, or other communication • Using technology to harm/bully • Insults based on size, gender, race, ability, religion, ethnicity, appearance, etc. 	<ul style="list-style-type: none"> • Persistent harassment/bullying • Fighting • Assault with a weapon • Sexual Harassment • Repeated acts of violence • Threats involving weapons • Plan/participate in public humiliation • Making repeated graphic threats • Practicing extortion • Threatening to keep someone silent • Continued threats of aggression or physical violence • Physical cruelty/assault • Encouraging group exclusion of someone by threatening others
Use Kind Words	No name-calling, teasing, taunting, roasting, inappropriate language, or verbal abuse	<ul style="list-style-type: none"> • Inappropriate comments • Teasing/taunting about possessions, clothes, looks, etc. • Name-calling • Inappropriate language • Mocking 	<ul style="list-style-type: none"> • Flagrant outburst or disrespect • Racist, Homophobic, Sexist, Transphobic terms • Offensive "humor" ("I was just kidding" or "It was just a joke" as • Profanity 	<ul style="list-style-type: none"> • Terroristic Threats
Be Safe	Be aware of danger, consider consequences, communicate clearly, follow guidelines, use equipment properly, keep body balanced and under control. Make Healthy Choices	<ul style="list-style-type: none"> • Unsafe play-gymnastics, wrestling, slide • Randomly kick ball, leave equipment • Not using equipment appropriately • Aggressive game play • Throwing objects in class 	<ul style="list-style-type: none"> • Randomly kick ball towards people • Bringing dangerous object to school • Severely rough play (unwanted chasing, pushing, shoving, spitting) 	<ul style="list-style-type: none"> • Possession or Sale of Drugs • Under the Influence at School/Activities • Possession or sale of Drugs • Throwing dangerous objects
Care for All Things	Treat all living things, possessions, equipment, buildings, bathrooms and campus respectfully.	<ul style="list-style-type: none"> • Disrespect of property • Littering/throwing food • Graffiti • Harming animals/plants 	<ul style="list-style-type: none"> • Significant Defacing/running property • Graffiti (targeted or discriminatory) • Intentional harm to plants/animals/habitat 	<ul style="list-style-type: none"> • Arson • Property Destruction • Cruelty to animals
Be Cooperative and Cultivate Community				
Work Together	Stay focused in class, quiet in passage, and be considerate of others' needs.	<ul style="list-style-type: none"> • Blurting out in class • Inappropriate noises or gestures • Wandering around classroom • Talking out of turn in class 	<ul style="list-style-type: none"> • Behavior that disrupts entire group • Engaging in any technological behavior on or off campus that results in a disruption of the school learning 	<ul style="list-style-type: none"> • Behavior that disrupts entire school
Follow Directions	Do as directed by Teachers and Supervising Adults. No arguing.	<ul style="list-style-type: none"> • Gum-chewing • Not following school rules • Ignoring an adult's instructions 	<ul style="list-style-type: none"> • Repeated Violation of Rules after Intervention 	<ul style="list-style-type: none"> • Direct insubordination after Intervention
Be There	Stay in assigned areas, know boundaries and where to go.	<ul style="list-style-type: none"> • Cutting class or hiding • Eating in non-eating areas 	<ul style="list-style-type: none"> • Leaving the classroom without permission 	<ul style="list-style-type: none"> • Leaving campus without permission • Leaving field trip without permission
Be Ready	Arrive promptly, dressed appropriately, prepared to learn.	<ul style="list-style-type: none"> • Repeatedly late to assigned areas • Repeatedly unprepared 		
Be Purposeful and Lead with Integrity				
Act with Honesty	Listen to others, share your feelings, and honor the truth. Confirm permission to use others' items. Do own work.	<ul style="list-style-type: none"> • Hiding items from others • False reporting (other's behaviors) • Cheating on tests/homework • Lying to staff 	<ul style="list-style-type: none"> • Cheating/lying/plagiarism • Stealing 	<ul style="list-style-type: none"> • False reporting (i.e., fire alarm)
Be Responsible	Clean up, use privileges wisely, fulfill agreements & tasks, ask for help	<ul style="list-style-type: none"> • Inappropriate use of technology • Search/Access inappropriate sites • Leaving messes, not cleaning up 	<ul style="list-style-type: none"> • Continued behavior, same day • Chronic Level 1 behaviors 	<ul style="list-style-type: none"> • Chronic Level 2 behaviors • Violation of behavior agreements
Service to Others	Help whenever possible, report concerns to adults			

BEHAVIOR RESPONSE OPTIONS

Intervention Options				
	Level 0: Healthy Behavior	Level 1: Minor Infraction	Level 2: Major Infraction	Level 3: Critical Infraction
Educational	Daily Appreciations Verbal observation of student demonstrating target behavior Gratitude Circles with Class	Verbal Redirection Visual Cue to Avoid/Cease Infraction Explanation of school rule Dialogue on rule and impacts Warning Review Agreements with Class	Completion of Training Course Parent meeting with student and administrator, others as needed	Completion of Training Course Parent meeting with student and administrator, others as needed
Regulating	Quiet Time in Class Walk in Forest Sensory Breaks	Quiet Time in Sensory Space Walk in Forest with Staff Run around Track (Refocusing)	Time Out in Office Walk with Counselor/Admin	Time Out with Staff Support
Self Reflective	Letter Home on Achievement	Reflection Sheet (in Class) Reflection Sheet (in Neighbor Class)	Reflective statement	
Restorative		Restorative Conversation with Staff Restorative Conversation with Peers Classroom Community Service Verbal apology to impacted person	Student-to-student(s) restorative or reparative circle with counselor Recess Community Service Letter of Apology	Restorative Justice Conference Mentoring Early Grades Students After school Community Service Letter of Apology
Restitution	Random Acts of Kindness Beautification Project	Cleaning up mess, putting items away Helping Peer who was injured	Campus Clean Up Replacement or Compensation for broken/damaged/lost item	Community Service Project
Restrictive	Homework Pass Extra Recess Bring a Friend Free Time Class Reward	5-15 min Time Out (Bench Time) Restrictions on activity participation Class Suspension	Temporary loss of privilege Benching for game/field trip/activity Recess Detention (Safety Risk Only) Class Suspension	Benching for multiple games/activities Multiple Detentions (Safety Risk Only) Loss of Eligibility for Athletics Loss of Eligibility for Athletics In-school suspension*** Out-of-school suspension***
Documentary	Nomination for Award Feature Article Name/Photo in Newsletter	Teacher Note AERIES recording on 3rd Offense	Office Referral AERIES recording	Office Referral AERIES recording Letter of Suspension in Student Record Revocation of inter-district transfer Expulsion***
Preventative	SEL Lessons Group Agreements Wellness Checks	Change in Seating Periodically Review Agreements with Class	Detention from Activity if Dangerous Alternative Placement for multiple days Assigned seat for bus Daily Check in/Check Out with Staff Schedule Change	Behavioral Intervention Plan Alternative Placement for extended time Assigned Seat/Restriction from Bus Daily Check in/Check Out with Staff Modified Day
Protective			Alternate classroom placement for the period/day	Daily Backpack Check Stay Away Order
Relational	Mentoring with Buddies Special Lunch with Staff Special Activity with Friends	Parent contact	Parent involvement	Parents shadow student for a day
Sherrif				Law enforcement involvement***
		*Teacher will contact parent regarding Level 1 behaviors in writing or via phone call before any Level Two intervention option	**Three or more referrals in a trimester may result in loss of participation in school events, including sports teams, for the rest of that trimester	***If warranted or mandated by California State Education Code

■ PARENT PARTICIPATION

Parent support ensures that Harmony is a successful school and community. Parent involvement varies depending upon each family's unique needs and capacities. Some parents feel called to serve as members of the Board of Directors or other school committees. Parents operate the SHARK Education Foundation and Family Pledge Program. Others assist their teacher in the classroom and playground; assisting on projects and supervising activities. Parents bring their unique gifts and talents to the school in guest lessons and event planning. Parents provide essential financial support for the school through the Family Pledge Program, donations, and volunteer hours for major and minor school projects. It is only through parent involvement and support that Harmony is able to provide our students with such a rich education

PARENT GUIDE

Parents are strongly encouraged to be active participants in their children's education. Your involvement ensures your child has the greatest opportunity for success and keeps you informed and connected to our community. The following are important ways to support your child and the school::

- Attend Parent-Teacher Conferences and class meetings.
- Attend Back-to-School and Open House, festivals and assemblies.
- Participate in parent education workshops.
- Read the Parent Handbook.
- Join a committee or volunteer to support a committee when called to participate.
- Volunteer in class and field trips
- Work with the school to maintain good attendance.
- Find ways to integrate growth mindset into your home environment
- Develop a plan and mindfully manage screen time, video games and social media.
- Schedule family vacations during school breaks (see the school calendar).
- Schedule meetings with your class teacher in advance.
- When present on campus, actively assist in positive engagement with students. Gently redirect students who engage in unsafe or potentially harmful behavior. Alert staff if issues are observed.
- If a conflict exists with another community member, please contact administration for support.
- Please keep little ones that visit the campus well supervised.
- Model appropriate behavior for the students at all times. Any adults engaging in inappropriate communication (such as yelling, profanity, or threats) or behavior on school grounds will be escorted from the campus and may have their access to the school grounds permanently limited.
- Parents and teachers have the right to request that an administrator be present at any meeting.
- The Harmony Board of Directors has invested the Superintendent with the authority and responsibility for the day-to-day safety and well-being of the campus. Parents on campuses during emergencies will follow directions from school staff.

PARENT SUPPORT

It is vital that parents are involved in the behavioral support of students at school. Information is perhaps the most important resource held by parents that can support the staff and students in creating a healthy and vibrant school culture. Honest sharing of information is essential for teachers and staff to address concerns that come home with our students. Opening up these paths of communication allow staff to take appropriate corrective actions, and provides feedback on the outcomes of such work.

There are times when conflicts between children can lead to discomfort in our adult relationships. It is important in these cases to ask for support from staff to mediate the concerns. As our students will spend many years together, it is important to ensure healthy relationships in the parent body for the benefit of the social life of our students.

PARENT SUPERVISION ON CAMPUS

It is very important that the expectations held throughout the school day by staff and teachers do not diminish when the bell rings. When accompanying children on campus, please provide continuous and active supervision of children. Students benefit from consistent, kindly held firm boundaries. Wrestling, climbing, inappropriate speech and unbound behavior in the company of adults decreases the likelihood of positive behavior when class is back in session. Please hold children to school rules whenever on campus or at school events.

PARENT EDUCATION

Harmony believes that parents can best support their child's education if they cultivate an understanding of child development, Placed Based Learning curriculum, and healthy parenting practices. Towards this end, the school offers parent education opportunities via publications, lectures and workshops. Parents will benefit enormously by attending these events throughout the year, which are announced via ParentSquare, published in the *Leaflet* newsletter, and posted on the school calendar

RECOMMENDED READING

Growth Mindset

- [Mindset: The New Psychology of Success](#), by Carol Dweck
- [Grit: The Power of Passion and Perseverance](#), by Angela Duckworth

Placed Based Learning

- [Place-Based Learning: Connecting Classrooms and Communities](#), by David Sobel

Parenting

- [Positive Discipline](#), by Jane Nelson
- [Simplicity Parenting](#), by Kim John Payne
- [Listen: Five Simple Tools to Meet Your Everyday Parenting Challenges](#), by Patty Wipfler

Behavior and Adolescence

- [Behave](#), by Robert Sapolsky
- [The Teenage Brain](#) by Frances Jensen
- [Brainstorm: The Power and Purpose of The Teenage Brain](#), by Daniel Siegel

Media and Children

- [Raising Humans in a Digital World](#), by Diana Graber
- [Screenwise: Helping Kids Thrive \(and Survive\) in Their Digital World](#), by Devorah Heitner
- [The Distracted Mind: Ancient Brains in a High-Tech World](#), by Adam Gazzaley and Larry D. Rosen
- [Taming Gaming: Guide Your Child to Video Game Health](#), by Andy Robertson

CLASS COORDINATORS

Class Coordinators are parent volunteers in each classroom who support the educational and community life at Harmony. Coordinators are an essential connection for parents in their class to the events, activities and pulse of their classroom. Class coordinators are parent volunteers with a student in the class for which they coordinate. Coordinators manage a class email list to assist in disseminating information from the teacher for upcoming projects in class and volunteer coordination for plays. As a body, class coordinators serve as a hub of communication between the parents, teachers and administration.

CLASS VOLUNTEERS

Parent class volunteers provide support for many specific duties throughout the year. Coordination of field trips, assistance with special events, or just accompanying the class through its daily routines are huge supports for our students and staff. Please contact your teacher for volunteer opportunities or the school office for volunteering school wide.

CLASS PARENT MEETINGS

Throughout the year, teachers may schedule class meetings with the parents of their class. The purpose of these meetings may be to provide updates on lessons or upcoming field trips. Sometimes meetings are held to provide a picture of what is happening in class, deal with challenges the class is facing, and come together as the parent group that holds the children collectively as they grow. We believe that parents need to understand their children's developmental needs and how the teacher is attempting to meet those needs. It is expected that at least one of a child's caregivers will attend all class meetings.

MEDIA EXPOSURE AND CHILDREN

It is a delicate task to balance the demands and possibilities of modern life with our understanding of the developing child. A central tenet of Harmony Union School District's educational approach is that a child's imagination is a primary modality for learning and growth. Opportunities for lively, artistic and academic expression are of the greatest importance. It is our desire that parents and teachers strive to offer children experiences of the natural world, rich stories and pictures, healthy physical movement and role models that serve to build enthusiasm and reverence for their lives on the earth.

A central concern in child development is how media can overwhelm a child's creative thoughts or dull a child's intellectual curiosity. Consequently, we strongly advocate limiting children's exposure to electronic media such as television, video games and computers. Rather than electronic media, please make plenty of time for your child's physical activities, music practice, recreational reading, family life, sleep, and play. Parents are encouraged to explore ways to mitigate media impacts or attend parent nights addressing the issue.

SAFE FIREARM STORAGE ANNUAL NOTIFICATION

Parents have responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.

With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school- sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.

With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor never actually accesses the firearm.

In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years. A parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.

INTERPERSONAL COMMUNICATIONS

When communicating with each other the following values and practices will be maintained:

- **Empathy:** Imagining the impact of our words on others is a moral responsibility in communication.
- **Truth:** Communicating known facts as distinct from opinions or rumors is a moral responsibility in communication.
- **Authentic use of emotion:** Fear, anger, and other emotions are part of communication and can be incorporated responsibly without taking them out on another.
- **Restraint:** All communication is for better or worse. Choosing what you say to whom is based on consideration of its impact and necessity.
- **Respect:** In order to maintain respect, communications should consider the value of another's dignity and privacy.

Unlike face-to-face communication, between individuals or in groups, the impact of e-mail communication can be hard to predict. Civility is important to all members of our community, particularly when working through challenging issues.

CONCERNS ABOUT THE CLASSROOM

Please bear in mind that teachers make decisions taking into consideration both the individual child and what best serves the class as a whole. This may require compromise and flexibility on the part of individual students and families. If you have a concern about your child's experience in the classroom, it is very important that you first approach the teacher for a meeting. Sometimes several discussions may be necessary to continue making progress on problem areas. If a parent feels that this route has not addressed their concerns, the matter should be brought to the Superintendent.

CONCERNS ABOUT SCHOOL POLICY

Your concerns or questions with school policies and procedures should be brought to the Superintendent who is responsible for implementing school policy and is interested in hearing concerns in the community. Further inquiry may also be made to the school board.

■ COMMUNITY LIFE

FESTIVALS AND EVENTS

WELCOME FLOWER CEREMONY

The Rose Ceremony has two gatherings at the start and end of the school year. The ceremony beginning the year, welcomes our graduating kindergarten students into the 1st grade with their 8th grade buddies providing roses and an escort to their 1st grade teacher.

BACK TO SCHOOL CLASS MEETINGS

In late August, faculty and staff welcome parents for a formal review of the coming school year. This first parent class meeting of the year features guest presentations by specialty teachers, administration and committee coordinators. Friends of Harmony Foundation and the Harmony School Board are also in attendance to answer questions.

WELCOME DINNER

In late August, faculty and staff host a fundraiser and welcome back event for families. Held in the evening, families are invited to join the community dinner. Special announcements from Staff and SHARK parent association. All proceeds are donated to SHARK.

AUTUMN FESTIVAL

The fall season and the bounty of our harvest is celebrated in early October. Buddy projects featuring traditional arts and crafts that use natural materials harvested from the land are featured. Apple pressing and juice slushies, photo booth, dunk tank and wheat grinding are just a few of the activities for students. Flower garlands, a homegrown pumpkin patch in the garden and musical presentations are also a part of the day. Student join in contra dancing to traditional music and caregivers are invited to attend and participate.

HALLOWEEN

Students may wear costumes to school. Masks may not be worn during class time or recess, but may be used during the halloween parade. Weapon props should stay at home. A parade is held in the morning and caregivers are invited as spectators. The parade is held on the blacktop with music and dancing. Candy is strongly discouraged, either on Halloween itself, or as part of lunches in the surrounding weeks. The presence of wrappers and increased sugar loads for children present challenges at the school that are better avoided.

DIA DE LOS MUERTOS

Dia de Los Muertos activities are traditional celebrations held to honor our ancestors. Harmony holds a Oferenda or altar for students to share artifacts from their relatives and friends who have passed. Students are invited to bring photos of their deceased loved ones for display. Please label photos (copies are best) to ensure return.

WINTER FESTIVAL OF LIGHT AND CONCERT

These beautiful events during the holiday season are crafted to awaken our inner light in the darkened winter. Held prior to the winter break, a tamale dinner kicks off the evening as a fundraiser for SHARK. The winter concert follows soon after, featuring musical performances by students in Kindergarten through 8th grade. A luminair walk in the forest, hot cider and cookies closes out the evening. Song, candlelight in the forest and quiet contemplation are the themes of the evening. Join together in community as we celebrate the season and the changing tide of light and darkness in mid December.

VALENTINES DAY

Students may be invited by their class teacher to participate in sharing simple messages of care and appreciation with their classmates. Teachers will notify parents of the format for their class.

SHARK GALA AND AUCTION

Sponsored by SHARK in spring of each year, the auction is our largest fundraising event. It is an evening of music, food, gifts and magic. Both a silent and live auction feature many treasures from local artisans and businesses. This is an event not to be missed! Get your babysitter booked early! Bus transportation is available from downtown Occidental to provide additional parking.

SPRING FESTIVAL

The Spring festival is a vibrant and beautiful tribute embracing the vitality of spring. Musical presentations by classes, buddy projects, crafts, games, music and dance are all integrated. The format is similar to the Autumn Festival. Guests may join in the afternoon for maypole dancing, good company, a bounty of flowers, and dessert for all.

OPEN HOUSE

Open House is an evening in spring for families to view the students' work in the classroom and learn more about our programs. Students are invited to attend this event with their families.

SUMMER FESTIVAL

This is a field day during the last week of school. A Color Run fundraiser, 8th grade vs Faculty kickball game, special treats and buddy kite project are key elements.

KINDERGARTEN GRADUATION

Our older Kindergarten students who will be graduating to 1st grade take part in the Fly Away Ceremony to honor their growth and transition. This event occurs at the end of the school year.

FAREWELL FLOWER CEREMONY

At year's end, our 1st graders return the gesture to our departing 8th grade students. Families are invited to attend both events.

8th GRADE COMMENCEMENT CEREMONY

The 8th grade promotion ceremony is held at the end of the year. All families are invited to attend as we honor our 8th grade and celebrate their transition to High School. 6th and 7th grade students are also invited to offer the gift of song to our departing graduates. After the ceremony, the 8th graduates attend a garden party with DJ and closing circle in the forest.

FESTIVAL AND EVENT ETIQUETTE

It is imperative that parents and guests hold the sincerity and reverence of our ceremonies and events with great care. Some events require extended silence by guests. Young children are welcome at our events, so long as they are well attended. When school ends, and events continue, parents are responsible for the supervision of their children.

RECORDING EVENTS

To allow students to focus on their presentation without the modifying aspect of the camera's gaze, cameras are regulated at performance events. Please avoid flash photography in darkened spaces, be mindful of student and family privacy and do not post to social media without consent of those captured.. Please contact the office or the event coordinator for more information.

■ SCHOOL SAFETY

The safety of the children is of the highest importance. We have an extensive emergency preparedness program and the school regularly practices drills for a variety of scenarios. Harmony has adopted the ESSENTIAL 5 model developed by the Sonoma County Office of Education.

EMERGENCY CONTACT INFORMATION

It is of the utmost importance that the Union School District School has up-to-date emergency contact information for each child. If you move, get new phone numbers, or have a change in who can pick-up your child, contact the office immediately. Please refer to the handbook section on Emergencies for further detail.

Each year, prior to enrollment, parents must fill out a new Student Emergency Contact Card and Medical Consent form to be kept on file in the school office and in the classroom. In addition a copy accompanies drivers on field trips. Telephone numbers of parents at home and at work, health insurance, and other important information are all used in case of illness, medical emergency or a disaster during school hours. Emergency Contact information can always be updated through the AERIES parent portal. Remember to notify the office if any of this information changes throughout the school year.

If parents or other authorized persons cannot be reached in a medical emergency, these forms provide direction to the School on how to respond to needs for treatment. This includes consent for treatment, hospital care or dental care. Parents agree to cover the costs of such treatment as well as any ambulance services that may be required if the school determines to initiate such service..

The teachers and administration have taken every precaution to ensure that the campus is free of safety hazards. Parents are encouraged to notify the office immediately if they observe any unsafe conditions. In the unfortunate event of an accident at school, the School carries accident insurance to cover the cost of treatment which would not be covered by the student's own medical insurance. All injuries must be reported to the office promptly. Inquiries regarding the insurance guidelines should be directed to the office. If, during an emergency, you need to change the arrangements for picking up your child, please notify the office promptly.

EMERGENCY PROCEDURES

Harmony is committed to providing for the safety of the students and our community as a whole. A team of staff and parent volunteers work to ensure we have the appropriate supplies and training at both campuses that will allow us to act when any emergency occurs. Regular drills and practice events help us to be ready to put these resources to use. Anyone interested in helping with this effort should contact the school office. In case of an emergency, parents will be notified via the school's Automated Mass Notification system Parentsquare. This system is specifically designed to contact parents via multiple methods, increasing the likelihood that information will get through in an emergency. Remember to update your contact information and take time to set up your communication apps, as this system will only work if we have accurate data in the system. You can verify your contact information via the AERIES parent portal linked here: <https://aeries.scoe.org/HarmonyUSD/parent>

The Parent Square app is available for iOS here: <https://apps.apple.com/us/app/parentsquare/id908126679>
or on Google Play here:
https://play.google.com/store/apps/details?id=com.parentsquare.psapp&pcampaignid=web_share

EMERGENCY RESPONSE ACTIONS



1. SHELTER IN PLACE

Implement to isolate students and staff from the outdoor environment and provide greater protection from external airborne contaminants or wildlife.

- Close doors & windows
- Monitor communications
- Students/Staff remain in room & continue class as "normal"
- Call office/campus supervisors if assistance is needed
- No Students IN/OUT of class unless essential & safe (*supervision required)
- Shut off air conditioner/heater if warranted



2. DROP, COVER & HOLD ON

Implement during an earthquake or explosion to protect occupants from flying and falling debris.

- Drop to the ground
- Take cover under a sturdy desk or table
- Hold on until shaking stops
- If no cover available, protect your head and neck with your arms
- Stay away from windows and objects that could fall
- Evacuate when safe, if there is damage to the building



3. SECURE THE CAMPUS

Initiate for a potential threat of danger in the surrounding community.

- Lock Doors/Windows/Halls/Gates
- Windows covered at staff discretion
- Remain in classroom and continue class as "normal"
- No students IN/OUT of class unless essential & safe (*supervision required)
- Monitor communications
- Students remain in class until "ALL CLEAR"



4. LOCKDOWN/BARRICADE

Initiate for an immediate threat of danger to occupants of a campus or school building.

- Lock Doors/Windows & Halls/Gates if safe
- Do not open the door for anyone
- Close Blinds/Cover Windows/Lights Off
- Hide & Protect. No people In/Out of Class (not even for the restroom)
- Silence electronics & phones, may text parent/guardian location & status
- Monitor communications
- If immediate threat- Run to safety if able to escape & keep hands visible



5. EVACUATION

Implement when conditions outside the building or off-site are safer than inside or on-site. Requires moving or directing students and staff to move from school buildings to a pre-determined safe location.

- Take account of unique needs of individuals with access and functional needs
- If appropriate, bring your keys, emergency kit, roll sheets, and radio with you when you exit the building
- Follow evacuation route & procedure for safe exit
- Report to pre-assigned gathering location
- Take roll and report missing students, student injury, or surplus students/staff to administrator
- Run, Hide, Fight if necessary

CAMPUS CLOSURES

During severe storms, or flooding, if you have questions as to whether school is in session, please refer to the school website www.harmonyusd.org for announcements. If a closure occurs, Harmony will notify the Sonoma County Office of Education (SCOE) which hosts a school closure webpage with up to date information here: <https://www.scoe.org/pub/htdocs/storm-update.html>. Radio station KSRO (1350 AM) uses SCOE's data to provide updates on air of school closures during emergencies. Harmony will use the Automated Notification System (ParentSquare) to notify you as well.

During heavy storms or emergencies, please listen to the radio and use good judgment regarding travel. If you live a distance from campus and have to pass through an area that typically floods or experiences downed trees or blocked roads, please pick your child up early, even if we haven't called. If you encounter access challenges along roads to the school, please let us know so we can, in turn, provide that information to other families. If a fire occurs during school hours which requires evacuation, Harmony already has a plan with our transit provider to conduct evacuations to safe locations. If mass evacuation is not necessary, just an early controlled pickup, then parents will be notified to facilitate an early pickup from the campus.

In the event of a lock-down situation at the school, school staff and emergency personnel will close access to the school. Depending on the status of the emergency a controlled release of students to caregivers will EITHER be conducted at the campus itself, or if evacuation was necessary from one of several predetermined re-unification locations. In such situations all students must be released through a controlled release process to ensure all students are accounted for. Electronic notification will occur as soon as possible, to provide instructions for picking up students from the school or reunification location. OFFSITE Reunification locations may include:

Primary	Occidental Community Center:	3920 Bohemian Highway, Occidental, CA
Secondary	Sebastopol Community Center:	390 Morris St, Sebastopol, CA 95472
Tertiary	St. Teresa de Avila Church:	17242 Bodega Hwy, Bodega, CA 94922

In the event of a major earthquake, Listen to 1350 AM or other news sources for information on conditions for travel. Remember to follow your own personal preparedness plan. When you do arrive to pick your child up, you will be asked to follow a specific sign-out process to ensure all students are accounted for. We will not release your child to a friend unless they are listed as being authorized to pick-up your child. Again, make sure your yellow Emergency Contact Card is updated with this information.

■FUNDRAISING

Harmony Union School District provides a free public education offering a rich Placed Based Learning curriculum to all families. A child's enrollment in the School is in no way dependent on family pledging. It is important to recognize, however, that the public funding available is insufficient to fully support our curriculum. Pledge donations to Friends of Harmony – the separate, tax-exempt, fundraising entity for the School – have been a successful way to support the growth of our school.

Each year, Friends of Harmony establishes a suggested monthly pledge amount and sends pledge forms to each school family. We understand that not all families are able to contribute at the target level. It is vital, however, that each family contributes to the extent they are able. Because many outside funding resources such as grant foundations look to the percentage of families pledging as an indication of the viability of the Foundation and the School, your wholly voluntary pledge at any level, whatever the size, is a strong indicator of our community commitment. All donations are tax deductible to the extent allowed by law.

Please be aware that the School's annual budget is based, in part, on the pledge revenues collected by Friends of Harmony. While recognizing that family finances are subject to change, it is extremely important that each family fully contribute their pledged amount. Friends of Harmony will happily assist in setting up a monthly automatic payment to make your pledge. The health and vitality of our school is ensured by families pledging what they can. Pledges to Friends of Harmony help to fully sustain the rich programming at the School and continue to save for a permanent school site including:

School Garden	Athletics	Staff Development
Field Trips	Counseling	Facilities Improvements
Music Program	Student Recognition Program	Library
Clubs	Class Supplies	PBL Projects

SHARK EDUCATION FOUNDATION

Due to diminished state funding, Harmony does not have adequate funds for its operating budget state and federal sources. Harmony must pursue grants and local donations to make up the balance. Shark is a 501(c)3 with the mission to support the educational programs of Harmony Union School District. SHARK volunteers work year round to raise funds to support the rich program that Harmony students enjoy.

The primary responsibilities of SHARK include::

- Develop and manage the Pledge Program
- Provide oversight and accounting for funds
- Plan fundraising and social activities throughout the year
- Ensure confidentiality of donors

FAMILY PLEDGE PROGRAM

SHARK manages a Family Pledge Program through which caregivers, extended family, community supporters and businesses can make regular tax-deductible donations to the operating fund of the School. The suggested monthly parent pledge amount is \$100 per child each month throughout the year. All donations are acknowledged in writing for tax and records purposes. For more information please contact the SHARK board: info@har

AUCTION AND SPECIAL EVENTS

SHARK produces the annual Gala and Auction in spring. This event raises over \$40,000 annually, including funding for specific programs like farm to table, enrichment and field trips. The event is catered and includes live music and dancing. Tickets for families and friends are available through SHARK. Parents, friends, neighbors and supporters in the community are invited to attend. Donation of auction items and volunteer assistance is always welcome. Please watch the calendar for other events throughout the year.

■ AFTER SCHOOL PROGRAM

SEEDLINGS AND SPROUTS

Harmony offers an after school care program throughout the school year. The program has two branches; the Tk Seedlings program providing care for TK students from the end of lunch to the end of the standard length school day for upper grades, the second branch is the more comprehensive Sprouts program providing aftercare services for students in grades TK to 8.

The program is fee based, though tuition subsidy is available from both state and local sources for qualifying families. The program includes homework club time for older students, snack time with both school supplied options as well as home brought, free play outside on field, blacktop and play structure as well as arts and craft activities, storytelling and more.

AFTERCARE SCHEDULE

TK SEEDLINGS

Time: 12:45 to 3:05 PM

Location: TK Classroom

SPROUTS

Time: 3:05 to 5:30 PM

Location: Cafeteria

SMARTCARE

Harmony uses the SmartCare app for managing after school care scheduling and billing. Upon registering with the After School Care Coordinator, an account will be created and an email invitation will be sent offering the opportunity to create an account. The account allows for messaging the coordinator regarding absences, changing schedules, and making payment easy through your preferred method of payment.



AFTER SCHOOL CARE FINANCIAL SUPPORT

Harmony accesses state grants that allow the school to offer free childcare to those that meet the financial eligibility guidelines. For those families that do not qualify, the River to Coast Children's Services agency provides funding assistance for some families not eligible for direct state subsidy. Harmony encourages families to contact RCCS to inquire about their support programs: (707) 869-3613



■ SCHOOL GOVERNANCE

ORGANIZATIONAL STRUCTURE

Harmony Union School District is a public school district pursuant to California law. Its formal governance structure includes the school board, Administration, Faculty and the many committees organized to support the school district's many responsibilities.

The Board of Directors

The Board of Directors is subject to the Brown Act and its own bylaws and provides oversight for Harmony Union School District including compliance monitoring, sets policy, evaluates, approves, monitors and adjusts budgets, evaluates and approves contracts, and supports community wide engagement in strategic planning. The Superintendent works at the direction of the board to provide daily operational governance of the school. Board committees are occasionally organized to address areas demanding more time, expertise or staff than is available at board meetings. Regular Board meetings are held monthly. Special or emergency meetings may also be scheduled. Agendas, minutes and packets are available upon request and online at www.harmonyusd.org. Agendas are also distributed prior to board meetings via parent notification software. Meetings are recorded and posted to the youtube channel.

Administration

The Administration is responsible for Human resources, Budget and Finance, Student Services, Curriculum and Instruction, Facilities and all forms of state compliance The Admin Team is responsible for implementing policy and regulations adopted by the board, fulfilling budgetary direction and ensuring compliance with state and federal mandates and regulations. The Administration is a service team, providing support for teachers, students, families and our community. The administration may convene advisory committees to assist in this service effort, generally composed of faculty, staff and caregivers.

Faculty & Staff

The Faculty coordinates curriculum development, student culture, behavior support, and Festivals. The Faculty is the heart of the educational impulse at Harmony, and as such, works with the board and administration to guide the continued development of exemplary Placed Based Learning education. Faculty meetings are held weekly to convene committees, collaborate as grade level or program teams and work together as a diverse set of professionals to develop protocols and best practices throughout our programs.

THE BOARD OF DIRECTORS

The Board of Directors is responsible for the governance, policies, and fiscal oversight of Harmony Union School District. The Board conducts strategic planning to meet the goals and mission of Harmony Union School District. Board members are elected during district wide elections and serve terms of 4 years unless occupying vacancies that occur mid term. If vacancies occur, according to California law, appointments may occur to fill vacancies until the next election period. Harmony is governed in accordance with California Education Code, Brown Act provisions, and best practices for public meetings. The primary responsibilities of the Board of Directors are to:

- Consider and approve policies and administrative regulations
- Monitor the financial condition of the school and ensure that the school has adequate resources
- Consider and approve major service contracts
- Consider and approve bargaining unit and employee contracts
- Consider and approve the school budget
- Consider and adopt curriculum and materials
- Hire, develop and evaluate the Superintendent
- Consider and adopt curriculum

- Monitor the performance of Harmony Union School District and take necessary action to ensure that the school remains true to its mission.
- Ensure compliance with all regulatory requirements.

BOARD MEETINGS

The Board of Directors meets once a month to fulfill its responsibility of governing Harmony Union School District. Regularly scheduled Board meetings are held monthly, generally on the 2nd Thursday of the month. Special meetings may be called at other times to respond to items operating on tight time frames or to manage larger than typical workloads. The purpose of a meeting of the Board of Directors is to address all business listed on the agenda for a particular meeting. Agendas are posted on the bulletin board and on the school's web site prior to scheduled meetings.

Board meetings are meetings of the Board held in Public. They are not Public Forums, which may be schedule by admin as necessary for broader, community based discussions. As such board meetings must stick to an agenda, and though public comment is accepted, the meeting itself is not a collaborative discussion with the public, but a collaborative meeting of board members held in public so that our community understands the nature of discussion on important issues of the district and has the opportunity to provide comment on their deliberations.

Please view the online calendar for upcoming Board and Committee meetings. The Board encourages public attendance and comment on matters before the school and community. Guests intending to provide public comment should inform the board of their interest at the start of the meeting. Public comment will be limited to a reasonable duration to ensure that the Board is able to cover its full agenda.

Meetings are held in a hybrid format allowing in-person attendees as well as teleconferencing to ease access for caregivers. Meetings are held in the Assembly room of the Falls building by default, though other venues may be used depending on need. The recurring zoom link for board meetings is here: <https://us06web.zoom.us/j/92956329990?pwd=STZtYlFtMU3N2OXhobDJ3OUtjSIR6UT09>

Notification for board meetings occurs via ParentSquare and via our website. Meetings are scheduled on the HUSD master calendar which can be subscribed to in the link above. All meeting agendas and minutes are posted on the CSBA Simbli Eboard website at the following link: https://simbli.eboardsolutions.com/SB_Meetings/ViewMeeting.aspx?S=36030644&MID=33288

Videos of past board meetings are posted on the youtube channel here: <https://www.youtube.com/@matthewmorgan6565>

Public comment may be made at board meetings on both non-agendized and agendized items. The board is not able to comment or discuss non-agendized items but may return to such items at a future date after providing notification to the community through inclusion of the item on a published agenda. Instructions for public comment include:

Members of the public may address the Board briefly on matters within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please choose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.

MEETING PROTOCOL

Public Comment

The Board of Directors is interested in and informed by comments made by members of the community. **Public Comment** is a time for community members to speak to the Board on any item not on the agenda for the evening. This is a time for the Board to receive the information and opinions offered. The Board will take this information and, at a later time, may decide on whether further action will be taken.

The Board asks that comments made in Public Comment be addressed to the whole Board, be respectful in nature, and no longer than three minutes in length per person. Comments regarding issues of any kind with a particular person and his/her actions will be directed into the Issue Resolution procedure outlined above. Please note personal attacks of any kind, directed toward anyone, are unacceptable.

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DISCUSSION AND ACTION ITEMS

The procedure for addressing any discussion or action item is as follows:

- Presentation of Information
- Board Discussion
- Community Input
- Board Comment
- Board Vote (action items only)

The Harmony community may ask questions and/or make comments regarding an item of business on the agenda. As with the initial “Public Comment,” the Board asks that comments on an agendized topic be addressed to the whole Board, be respectful in nature, and no longer than three minutes in length per person. During the subsequent board discussion Board Members may address the content of comments made by the public but are not bound to do so.

In order to complete the Board’s business agenda on behalf of Harmony Union School District, the Board will have only one comment period for each item. Public wishing to make additional comments is invited to submit those comments or opinions in writing via the Board of Directors.

BOARD DOCUMENTS

Agendas and Board Packets (including support documents) are posted online in advance of each meeting. Hard copies are available in the office or at the meeting upon request. Minutes are archived following their adoption, as are relevant financial statements including annual audits.

FACULTY

Faculty members take an active role in school curriculum development, staff enrichment and parent education activities. In addition, faculty members work with the Superintendent on hiring committees, policy development, strategic planning, school culture, operations, facilities and logistics. Faculty, given their unique professional skill and deep understanding of needs for students and in the classroom, serve a vital role providing guidance, advice and solutions impacting all elements of the school and community.

FACULTY MEETINGS

The faculty meets weekly on Thursdays. The topics of faculty meetings include: school logistics, event planning, curriculum development, policy discussion, educational program evaluation and staff training. In addition, faculty participates in weekly pedagogical conversation and activities to deepen understanding of child development, lesson design, and classroom management. Logistics planning is often handled during these meetings to ensure festivals and events, major projects, class plays, field trips, and other activities are well choreographed throughout the campus. Meetings are generally private, though board members, support staff and consultants attend meetings when appropriate. The Faculty Team advises the Superintendent and School Board in the development of policy, protocols and implementation of programs and projects..

LEADERSHIP TEAM

The leadership team is composed of the Superintendent, Certificated and Classified Faculty, and Administration staff. Leadership organizes the agenda for faculty meetings and conducts long term planning and policy development for the school. The leadership team also functions as a rapid response team for issues that demand emergency planning and management..

ADMINISTRATION

The administration is responsible for all school logistics and support; from bandaging scraped knees to managing finances and policies. The Administrative team conducts school business throughout the year, planning over the summer and managing during the school year. The Administration Team is composed of the Superintendent and the Office Staff.

Superintendent-Principal

The Superintendent-Principal is responsible for overall operations, program development, and quality of experience at Harmony. The Director's primary responsibilities, as further specified in the bylaws and contract include:

- Curriculum and Instruction
- Learning Support Services
- Student Counseling
- Campus Culture
- Student Behavior and Discipline
- Student Services
- Human Resources
- Facilities Development
- Fiscal Management
- Maintenance and Operations
- Safety and Emergency Response
- Policy Development
- Strategic Planning
- State Reporting and Compliance
- Interagency Coordination
- Public Relations & Communication

Assistant Principal

The Superintendent is responsible for overall operations, program development, and quality of experience at Harmony. The Director's primary responsibilities, as further specified in the bylaws and contract include:

- Curriculum and Instruction
- Learning Support Services
- Student Counseling
- Campus Culture
- Student Behavior & Discipline
- Student Services
- Staff Development
- Safety and Emergency Response
- Strategic Planning
- State Reporting and Compliance
- Public Relations & Communication
- Support to Principal

Office Manager

The Office Manager is responsible for ensuring the coordination and administration of school services.

Duties include:

- Admissions and student records
- Attendance
- Parent Notification and communications
- School office management
- Health tech
- Logistics

Chief Business Officer

The Chief Business Officer is the business manager responsible for developing budgets, managing finances, directing accounts payable/receivable, vendor and service provider contracts, human resources, maintenance and facilities oversight, and state compliance documentation and reporting. Duties include:

- Fiscal Management including Budget
- Purchasing and Contracts
- Fiscal Management
- Maintenance and Operations oversight
- Facilities
- Bond Management
- Human Resources

Business Assistant

The business assistant, under direction of the Chief Business Official, is responsible for accounts payable and receivable, information systems and reporting. Responsibilities include:

- Attendance
- Student Services, Special Education
- State mandated testing
- Scheduling and calendaring
- Facilities (Volunteers)
- State reporting

COMMITTEES

Most committee meetings are held monthly during the faculty meeting time on early release Thursdays. Some committees are scheduled after school or in evenings to accommodate staff and parent schedules. Placement on a committee, is, in most cases by administrative appointment. Faculty self nomination is common for standing faculty committees including Events, Student Culture, Sunshine, PBL, Safety and Wellness. Some faculty committees may include parents to support committee goals.

BOND

Status: Ad Hoc

Purpose: To oversee BOND projects from inception to completion. Make recommendations to the board for adoption. Seek feedback from community members to advise bond planning and expenditure.

Composition: Admin, Faculty, Staff, Parent/Guardian, Community Members

Selection: Superintendent recommendation and Board endorsement

Meeting Frequency: Variable, depending on workload and project progress

BUDGET

Status: Standing Committee

Purpose: Evaluation of budget trends, review of submitted budgets, actuals and audits, brainstorming solutions to budget challenges, communicating with the community on budget matters.

Composition: Admin, Faculty, Staff and Parent/Guardian

Selection: Superintendent and Bargaining unit appointed representative

Meeting Frequency: Quarterly

CURRICULUM

Status: Ad Hoc

Purpose: To review and develop proposals for curriculum adoption. Monitor implementation of adopted curriculum, identify training and professional development needs and resources.

Composition: Admin, Faculty, and Parent/Guardian

Selection: Superintendent

Meeting Frequency: Variable, depending on state and local adoption schedule

EVENTS & FESTIVALS

Status: Standing Committee

Purpose: Development and planning of major events and festivals for school community, project management, management and purchasing of supplies and vendor services, communication of plans, oversight of events, volunteer coordination, advertising and logistics

Composition: Admin, Faculty, shARK Liaisons and Parent/Guardian

Selection: Superintendent and Faculty/Staff nomination

Meeting Frequency: Monthly

NEGOTIATIONS

Status: Standing Committee

Purpose: Development of contract proposals, negotiations in language and compensation, seeking feedback from members, following process for adoption of changes and certification of agreements

Composition: Admin and Bargaining Unit negotiating teams

Meeting Frequency: Annual and as scheduled

PLACE BASED LEARNING

Status: Standing Committee

Purpose:

Composition:

Selection: Superintendent and Faculty/Staff nomination

Meeting Frequency:

SAFETY

Status: Standing Committee

Purpose: Development of safety protocols, evaluation of safety policy, review and modification of safety plans, scheduling and planning emergency drills, maintaining safety equipment and supplies, communication and training on safety procedures

Composition: Admin, Faculty, and Parent/Guardian Volunteer

Selection: Superintendent and Faculty/Staff nomination

Meeting Frequency: Monthly

STUDENT CULTURE

Status: Standing Committee

Purpose: Development and management of school-wide PBIS program, advisory to student council and clubs, plans student assemblies and spirit weeks, advises student token economy and student store

Composition: Admin, Faculty, and Parent/Guardian Volunteer

Selection: Superintendent and Faculty/Staff nomination

Meeting Frequency: Monthly

SITE COUNCIL

Status: Standing Committee

Purpose: Assignment of funds for special projects/initiatives, review of safety plan, review of LCAP

Composition: Admin, Faculty, and Parent/Guardian Volunteer

Selection: Administration nomination

Meeting Frequency: Quarterly

STAFF SUNSHINE

Status: Standing Committee

Purpose: Develops activities and events to support staff well being, assists with staff members in crisis, celebrates birthdays or significant events, supports recognition of staff achievements

Composition: Admin, Faculty, and Parent/Guardian Volunteer

Selection: Superintendent and Faculty/Staff nomination

Meeting Frequency: Monthly

WELLNESS

Status: Standing Committee

Purpose: Evaluate and modify the district wellness policy, advise the garden and farm to table food service program, monitor student health and provide for the improvement in student health on campus

Composition: Admin, Faculty, and Parent/Guardian Volunteer

Selection: Superintendent and Faculty/Staff nomination

Meeting Frequency: Monthly

**ANNUAL NOTICE TO PARENTS
2024-2025**

DEAR PARENT/GUARDIAN:

Section 48980 of the Education Code of California requires that notice be given at the beginning of the first semester or quarter of the regular school term to the parent or guardian of the minor pupils in the school district regarding the rights of the parent or guardian under sections 35291, 46014, 46015, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51938, Chapter 2.3 (commencing with section 32255) of Part 19, and notice of the availability of the program prescribed by Article 9 (commencing with section 49510) of Chapter 9 and of the availability of individualized instruction under section 48206.3. Section 48982 requires that this Notice be signed and returned by the parent or guardian to the school. Signature and return of the attached form is acknowledgement by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld. Pursuant to parent request, the annual notification may be provided to the parent or guardian in electronic format by providing access to the notice electronically. If the notice is provided in electronic format, the parent or guardian must submit to the school a signed acknowledgment of receipt of this notice.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents or guardians file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are spelled out in this form.

Accordingly, you are hereby notified as follows (when used in this notification "parent" includes a parent or legal guardian):

STUDENT DISCIPLINE

RULES AND PROCEDURES ON SCHOOL DISCIPLINE (EC §35291):

Rules pertaining to student discipline, including those that govern suspension or expulsion, are set forth in Education Code Sections 48900 and following, and are available upon request from the school. In addition, the following disciplinary information is provided to parents:

DUTY CONCERNING CONDUCT OF PUPILS (EC §44807): Every teacher shall hold pupils accountable for their conduct on the way to and from school, and on the playground.

DUTIES OF PUPILS (5 CCR §300): Pupils must conform to school regulations, obey all directions, be diligent in study, be respectful of teachers/others in authority, and refrain from profane/vulgar language.

HAZING PROHIBITION (EC §48900(q)): Pupils and other persons in attendance are prohibited from engaging or attempting to engage in hazing.

DRESS CODE/GANG APPAREL (EC §35183): The district is authorized to adopt a reasonable dress code.

ATTENDANCE OF SUSPENDED PUPIL'S PARENT (EC §48900.1; LC §230.7): If a teacher suspends a student, the teacher may require the child's parent to attend a portion of the school day in his or her child's class. Employers may not discriminate against parents who are required to comply with this requirement.

SCHOOL ACCOUNTABILITY REPORT CARD (EC §35256, 35258): Districts are to make a concerted effort to notify parents of the purpose of school accountability report cards, and ensure that all parents have access to a copy.

SAFE PLACE TO LEARN ACT (EC §234.1): The district is committed to maintaining a learning and working environment that is free from bullying, as defined in EC §48900(r). Any student who engages in bullying of anyone in or from the district may be subject to disciplinary action up to and including expulsion. The district's policies and process for filing a complaint should be publicized to pupils, parents, employees and agents of the governing board. The notice shall be in English and in the primary language of the recipient. For a copy of the district's anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies or to report incidences of bullying please contact the district office. These policies shall be posted in schools and offices.

SCHOOL RECORDS AND ACHIEVEMENT

PUPIL RECORDS/NOTICE OF PRIVACY RIGHTS OF PARENTS AND STUDENTS (EC §49063 et seq., §49069.7, §49073, 34 CFR 99.30, 34 CFR 99.34, and the federal Family Educational Rights and Privacy Act): Federal and state laws concerning student records grant certain rights of privacy and right of access to students and to their parents. Full access to

all personally identifiable written records maintained by the school district must be granted to: (1) Parents of students 17 and younger; (2) Parents of students age 18 and older if the student is a dependent for tax purposes and the records are needed for a legitimate educational purpose; (3) Students age 18 and older, or students who are enrolled in an institution of postsecondary instruction (called "eligible students"); (4) Pupils age 14 and over who are identified as both homeless and an unaccompanied youth; (5) Individuals who have completed and signed a Caregiver's Authorization Affidavit.

Parents, or an eligible student, may review individual records by making a request to the principal. Districts must respond to a pupil record request by providing access no later than five business days following the date of the request. The principal will see that explanation and interpretations are provided if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request (EC § 49070). In addition, parents or eligible students may receive a copy of any information in the records at reasonable cost per page. District policies and procedures relating to: location of, and types of records; kinds of information retained; availability of certificated personnel to interpret records if requested; persons responsible for records; directory information; access by other persons; review and challenge of records are available through the principal at each school. When a student moves to a new district, records will be forwarded upon the request of the new school district within ten school days. At the time of transfer, the parent or eligible student may review, receive a copy (at a reasonable fee), and/or challenge the records.

If you believe the district is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Department of Education (20 USC §1232g).

You have the right to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable program.

RELEASE OF PUPIL DIRECTORY INFORMATION (EC §49073, 34 CFR 99.37): The district also makes student directory information available in accordance with state and federal laws. This means that each student's name, birth date, address, telephone number, email address, major course of study, participation in officially recognized school activities, dates of attendance, degrees and awards received, and most recent previous public or private school attendance may be released in accordance with board policy. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers or the news media). Directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the district receives consent as required under state law). Names and addresses of seniors or terminating students may be given to public or private schools and colleges. Parents and eligible students will be notified prior to the destruction of any special education records. You have the right to inspect a survey or other instrument

to be administered or distributed to your child that either collects personal information for marketing or sale or requests information about beliefs and practices and any instructional material to be used as part of your child's educational curriculum. Please contact your child's school if you wish to inspect such a survey or other instrument.

Upon written request from the parent of a student age 17 or younger, the district will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes a written request, the student's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification. (See attached form.) Additionally, directory information related to homeless or unaccompanied youths will not be released without the express written consent for its release by the eligible pupil or guardian.

RELEASE OF INFO TO MILITARY SERVICES REPS / RELEASE OF TELEPHONE NUMBERS (EC §49073.5; 20 USC §7908): Parents of secondary students may request in writing that the student's name, address, and telephone listing not be released to armed forces recruiters without prior written parental consent.

PARTICIPATION IN STATE ASSESSMENTS AND OPTION TO REQUEST EXEMPTION (EC § 60615, 5 CCR § 852): Pupils in applicable grade levels will participate in the California Assessment of Student Performance and Progress (CAASPP) except as exempted by law. Each year, a parent may submit a written request to excuse his or her child from any or all parts of the CAASPP assessments for that school year. If the parent submits the exemption request after testing begins, any test(s) completed before the request is submitted will be scored; the results will be included in the pupil's records and reported to the parent. School district employees will not solicit or encourage any exemption request on behalf of a pupil or group of pupils.

HIGH SCHOOL CURRICULUM: NOTIFICATION REGARDING COLLEGE PREPARATORY COURSES (EC §51229): Districts are required to provide parents of each minor pupil enrolled in grades 9 to 12 written notice of college admission requirements and career technical education courses.

ADVANCED PLACEMENT EXAMINATION FEES (EC §48980(j), EC §52242): State funds are available to cover the costs of advanced placement examination fees.

RELEASE OF STUDENT RECORDS/COMPLIANCE WITH SUBPOENA OR COURT ORDER (EC §§49076 and 49077): Districts are required to make a reasonable effort to notify parents in advance of disclosing student information pursuant to a subpoena or court order.

RELEASE OF STUDENT RECORDS TO SCHOOL OFFICIALS AND EMPLOYEES OF THE DISTRICT (EC §§49076(a)(1) and 49064(d)): Districts may release educational records, without obtaining prior written parental consent, to any school official or employee, which would include accountants, consultants, contractors, or other service providers, who have a legitimate educational interest in the educational record.

HEALTH SERVICES

PHYSICAL EXAMINATION; PARENT REFUSAL TO CONSENT (EC §49451): A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical exam of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance.

VISION APPRAISAL (EC §49455): The district is required to appraise each student's vision during kindergarten, upon initial enrollment, and in grades 2, 5, and 8. Appraisal in the year immediately following a student's first enrollment in grades 4 or 7 shall not be required. The vision appraisal shall include tests for near vision, far vision, and color vision; however, color vision

shall be appraised once and only on male students. The evaluation may be waived upon presentation of a certificate from a physician, surgeon, physician's assistant, or optometrist setting out the results of a determination of the student's vision, including visual acuity and color vision. This appraisal is not required if a parent files a written objection based on a religious belief with the principal.

SCOLIOSIS SCREENING NOTICE (EC §§49451 and 49452.5): In addition to the physical examinations required pursuant to Section 100275 of the Health and Safety Code, the district may provide for the screening of every female student in grade 7 and every male student in grade 8 for the condition known as scoliosis.

DENTAL FLUORIDE TREATMENT (H&S §104830 et seq.): Pupils will be provided the opportunity to receive the topical application of fluoride or other decay-inhibiting agent to each pupil's teeth if the parent, or eligible pupil submits a letter stating that the treatment is desired.

PUPIL NUTRITION/NOTICE OF FREE AND REDUCED PRICE MEALS (EC §§48980(b), 49510, 49520 and 49558): Needy children may be eligible for free or reduced price meals. Details, eligibility criteria, and applications to participate in a free or reduced price meal program if it is available are available at your child's school. Individual records pertaining to student participation in any free or reduced-price meal program may, under appropriate circumstances, be used by school district employees to identify students eligible for public school choice and services pursuant to the federal Every Student Succeeds Act. When a household is selected for verification of eligibility for free and reduced meals, the District must notify the parent that their child(ren)'s eligibility is being verified.

COMMUNICABLE DISEASES (EC §48216 and 49403): The district is authorized to administer immunizing agents to pupils whose parents have consented in writing to the administration of such immunizing agent. The district is required to exclude pupils who have not been properly immunized pursuant to Health and Safety Code 120325 and 120335. The district must notify parents that they have two weeks to supply evidence either that the pupil has been properly immunized or is exempted from the requirement. All students entering kindergarten, advancing from sixth to seventh grade in the district, or prior to his or her first admission to the district, will be required to comply with the immunization requirements of Health and Safety Code section 120335, unless the student provides the district with a valid exemption from a licensed physician. No new personal belief exemptions will be accepted. Students with personal-belief exemptions on file with the district as of January 1, 2016, shall be allowed to continue enrollment until entering the next grade span in the district. Grade spans are defined as birth through preschool, K-6, including transitional kindergarten, and 7-12. Students qualified for an individualized education program may access special education and related services as required by his or her individualized educational program.

MEDICATION (EC §49423, §49423.1): Any student who must take prescribed medication at school and who desires assistance of school personnel must submit a written statement of instructions from the physician and a parental request for assistance in administering the medication. Students may also carry and self-administer prescription auto-injectable epinephrine and prescription inhaled asthma medication upon the school's receipt of specified written confirmation with instructions for self-administration and authorization from the student's parent and physician or surgeon. The parent must release the school district and personnel from liability for any harm resulting from the self-administered medication, and provide a release for authorized school personnel to consult with the physician or surgeon.

MEDICAL AND HOSPITAL SERVICES FOR PUPILS (EC §§49471 and 49472): The district is required to notify parents in writing if it does not provide or make available medical and hospital services for students injured while participating in athletic activities. The district is also authorized to provide medical or hospital services through non-profit membership corporations or insurance policies for student injuries arising out of school-related activities.

AVAILABILITY OF INDIVIDUALIZED INSTRUCTION/PRESENCE OF PUPIL WITH TEMPORARY DISABILITY IN HOSPITAL (EC §§48206.3, 48207-48208): Individualized instruction is available to students with temporary disabilities whose disability makes attendance in the regular day classes or alternative education program in which the student is enrolled impossible or inadvisable. Parents of students hospitalized or with a temporary disability shall notify the school district(s) where the student attends, resides and/or where the student receives care if an individualized instruction program is desired.

CONTINUING MEDICATION REGIMEN (EC §49480): Parents of any student on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of the medication(s) being taken, the current dosage, and the name of the supervising physician. (*See attached form.*) With the consent of the parent, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

SUN PROTECTIVE CLOTHING/USE OF SUNSCREEN (EC §35183.5): School sites must allow for outdoor use of sun-protective clothing and must allow students to use sunscreen, without a prescription or physician's note, during the school day.

ASBESTOS (40 CFR 763.84, 40 CFR 763.93): The district has a plan for eliminating health risks that are created by the presence of asbestos in school buildings. It may be reviewed at the district office. At least once each year, the district will notify parents of inspections, response actions, and post-response action activities that are planned or in progress.

USE OF PESTICIDES (EC §§17611.5, 17612 and 48980.3): School districts are required to inform parents about the use of pesticides on school grounds and provide access to the integrated pest management plan when certain pesticides are used. (*See attached.*)

COMPREHENSIVE SCHOOL SAFETY PLAN (EC §§32280 et seq.): Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card (SARC). The planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. The planning committee shall notify specified persons and entities in writing.

NOTICE OF COMPLIANCE (EC §32289): A complaint of noncompliance with the school safety planning requirements may be filed with the State Department of Education under the Uniform Complaint Procedures (5 CCR 4600 et seq.).

TOBACCO FREE SCHOOLS (HS §104420): Use of tobacco products at any time by students, staff, parents, or visitors, is strictly prohibited in district-owned or leased buildings, on district property, and in district vehicles. This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and nonnicotine vaporized solutions. Exceptions may be made for the use or possession of prescription nicotine products. Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

STUDENT SERVICES

MINIMUM AGE OF ADMISSION TO KINDERGARTEN (EC §48000): A child shall be eligible for enrollment in kindergarten at the beginning of the school year or at a later time in the same year, if the child has their fifth birthday, respectively, on or before September 1. For the 2024-25 school

year, any child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program in accordance with law and district policy. On a case-by-case basis, a child who has reached age five after the date listed above but before the end of the applicable school year, may be admitted to transitional kindergarten with the approval of the child's parent and subject to board approval in accordance with EC §48000. A school district may place a child who will have their fourth birthday on or before December 1 and is enrolled in a California state preschool program into a transitional kindergarten program classroom in accordance with EC §48000.

PREGNANT AND PARENTING PUPILS (EC §§ 221.51, 222, 222.5, 46015): Districts may not exclude nor deny any pupil from any educational program or activity on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and shall treat these conditions in the same manner and under the same policies as any other temporary disabling condition. A pregnant or parenting pupil is entitled to 8 weeks of parental leave, or additional leave if deemed medically necessary by the pupil's physician. During parental leave, absences shall be excused and the pupil shall not be required to complete academic work or other school requirements. After return from parental leave, a pupil may resume the course of study in which he/she was previously enrolled, is entitled to make up work missed, and to take a fifth year of high school instruction if necessary to complete graduation requirements. A pupil may elect to attend an alternative education option instead of returning to the school in which he or she was enrolled prior to parental leave. Schools shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil shall not incur an academic penalty as a result of his or her use of these accommodations.

PROSPECTUS OF SCHOOL CURRICULUM (EC §49091.14): The curriculum of every course offered by the schools of the district is compiled annually by each school in a prospectus. Each school prospectus is available for review upon request at each school site. Copies are available upon request for a fee not to exceed the actual copying cost.

MULTILINGUAL EDUCATION (EC §310): If the district implements a language acquisition program pursuant to EC §310, information on the types of language programs available and a description of each program will be made available with this notice or upon enrollment.

SPECIAL EDUCATION (IDEA): State and federal law requires that a free appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. More information concerning student eligibility, parental rights and procedural safeguards are available upon request.

SPECIAL EDUCATION; CHILD FIND SYSTEM (EC §56301): Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school principal. Policy and procedures shall include written notification to all parents of their rights pursuant to EC §56300.

SPECIAL EDUCATION COMPLAINTS (5 CCR §3080): State regulations require the district to establish procedures to deal with complaints regarding special education. If you believe that the district is in violation of federal or state law governing the identification or placement of a special education student, or similar issues, you may file a written complaint with the district. State regulations require the district to forward your complaint to the State Superintendent of Public Instruction. Procedures are available from your school principal.

SECTION 504/DISABLED PUPILS (Section 504 of the Rehabilitation Act of 1973): Federal law requires the district to annually notify disabled pupils and their parents of the district's non-discriminatory policy and duty under Section 504 of the Rehabilitation Act.

STATEMENT OF NONDISCRIMINATION (Title VI of the Civil Rights Act of 1964; Title IX of the U.S. Education Amendments of 1972; Americans

with Disabilities Act; Section 504 of the Vocational Rehabilitation Act of 1973; EC §200 *et seq.*): The district does not discriminate on the basis of gender, gender identity, gender expression, sex, race, color, religion, national origin, ethnic group identification, age, genetic information, mental or physical disability, sexual orientation, immigration status, or the perception of one or more of such characteristics. The district's policy of nondiscrimination requires notification in native language if the district's service area contains a community of minority persons with limited English language skills. Notification must state that the district will take steps to assure that the lack of English will not be a barrier to admission and participation in district programs. This policy applies to all students insofar as participation in programs and activities is concerned, with few exceptions such as contact sports. In accordance with federal law, complaints alleging noncompliance with this policy should be directed to the school principal. Appeals may be made to the district superintendent. A copy of the district's nondiscrimination policy is available upon request.

EDUCATIONAL EQUITY REGARDLESS OF IMMIGRATION STATUS, CITIZENSHIP, OR RELIGION (EC §234.7): Children have a right to a free public education, regardless of immigration status, citizenship status, or religious beliefs. When enrolling a child, schools must accept a variety of documents from the student's parent to demonstrate proof of child's age or residency. No information about citizenship/immigration status or Social Security number is required to enroll in school. Parents have the option to provide a school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for a minor student in the event the parent is detained or deported. Parents have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for a minor student. Students have the right to report a hate crime or file a complaint to the school district if they are discriminated against, harassed, intimidated, or bullied on the basis of actual or perceived nationality, ethnicity, or immigration status. The district will not release information to third parties for immigration-enforcement purposes, except as required by law or court order. The California Attorney General's website provides "know your rights" resources for immigrant students and family members online at <https://oag.ca.gov/immigrant/rights>.

FINGERPRINTING PROGRAM (EC §32390): Districts are authorized to offer fingerprinting programs for children enrolled in kindergarten or newly enrolled in the district. If the district has adopted such a program, you will be notified of procedures, applicable fee and your right to decline your child's participation upon your child's initial enrollment.

CHILDREN IN HOMELESS SITUATIONS (42 USC §11431-11435): Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations.

SEX / HIV EDUCATION

INSTRUCTION IN COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV PREVENTION (EC §51938): The district shall annually notify parents about instruction in comprehensive sexual health education and HIV prevention education and research on student health behaviors and risks planned for the school year. Written and audiovisual educational materials used in such education are available for inspection. If arrangement for the instruction is made after the beginning of the school year, parents will be notified no fewer than 14 days prior to the commencement of any such instruction if the district elects to provide the instruction by outside consultants in class or during an assembly. The notice must include the date of instruction, the name of the organization or affiliation of each guest speaker and information stating that the parent has the right to request a copy of the law pertaining to such instruction. Parents have the right to excuse his or her child from all or part of the comprehensive sexual health and HIV prevention education by submitting a written request to the district. Those students whose parents do not submit a written request to excuse

them will receive such instruction. The law also authorizes the district, without prior parental consent, to use anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age appropriate questions in grades 7 to 12 about the student's attitudes concerning or practices relating to sex. The district must notify parents in writing before any such test, questionnaire, or survey is administered and provide them with an opportunity to review the materials. Parents have the right to excuse his or her child from such participation by submitting a written request to the school district.

HEALTH INSTRUCTION/CONFLICTS WITH RELIGIOUS TRAINING AND BELIEFS (EC §51240): Upon written request of a parent, students shall be excused from part of any school instruction in health if it conflicts with the religious training and beliefs of a parent.

SCHOOL ATTENDANCE/ATTENDANCE ALTERNATIVES

California law (EC §48980(g)) requires all school boards to inform each student's parent at the beginning of the school year of the various ways in which they may choose schools for their children to attend other than the ones assigned by school districts. Students who attend schools other than those assigned by the districts are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the district which the parent lives (intradistrict transfer), and potentially three separate processes for selecting schools in other districts (interdistrict transfer). The general requirements and limitations of each process are described as follows:

Choosing a School Within District in Which Parent Lives:

The law (EC §35160.5(b)) requires the school board of each district to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a school district as follows:

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- Each district may adopt a school selection policy that takes into consideration special circumstances that might be harmful or dangerous to a particular pupil, whether the sibling of the pupil is already in attendance at the school, and/or whether the pupil's parent is employed at the school.
- If a transfer is denied, a parent does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents to appeal a decision.

Choosing a School Outside District in Which Parent Lives:

Parents have three different options for choosing a school outside the district in which they live. The three options are:

Option 1: Districts of Choice (EC §§48300 through 48315): The law allows, but does not require, each school district to become a "district of

choice” – that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. If the school board of a district decides to become a “district of choice” it must determine the number of students it is willing to accept in this category each year and accept all pupils who apply to transfer until the school district is at maximum capacity. The school district of choice shall ensure that pupils admitted under this article are selected through an unbiased process that prohibits consideration of factors such as academic or athletic performance, physical conditions, or proficiency in English. If the district chooses not to become a “district of choice,” a parent may not request a transfer under these provisions. Other provisions of the “district of choice” option include:

- Either the district a student would transfer to or the district a student would transfer from may deny a transfer if it will negatively affect the racial and ethnic balance of the district, or a court-ordered or voluntary desegregation plan. A district of choice cannot deny a transfer request on the basis that the costs to provide services exceeds the revenue received, but it may reject a request if doing so would require the creation of a new program. However, the district of choice may not deny the transfer of any special needs student, including an individual with exceptional needs, or an English Learner student even if the cost to educate the student exceeds the revenue received or the creation of a new program is required. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.
- Communications to parents by a school district of choice shall be factually accurate and shall not target students based upon academic ability, athletic performance, or other personal characteristics.
- The district of choice must post transfer application information on its website, including any applicable forms, the timeline for a transfer, and an explanation of the selection process.
- All communications from a school district of choice regarding transfer opportunities must be available in all languages for which translations are required in the school district of residence under EC §48985.
- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.
- Entrance priority must be given as follows:
 - Siblings of students already attending school in the “district of choice” must be given first priority.
 - Pupils eligible for free or reduced-price meals must be given second priority.
 - Children of military personnel must be given third priority.
- A parent may request transportation assistance within the boundaries of the “district of choice.” The district is required to provide transportation only to the extent it already does so.
- A school district in which an active military duty parent of a student resides shall not deny the transfer of that student to a school in any district, if the school district to which the parent of the student applies approves the application for transfer.

Option 2: Other Interdistrict Transfers (EC §46600 et seq.): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. Districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application, or for students who are the victim of an act of bullying unless the requested school is at maximum capacity. The law on interdistrict transfers also provides for the following:

- If either district denies a transfer request, a parent may appeal that decision to the county board of education. There are specified

timelines in the law for filing an appeal and for the county board of education to make a decision.

Option 3: Parental Employment in Lieu of Residency Transfers (EC §48204(b)): If at least one parent of a student is physically employed in the boundaries of a school district other than the one in which they live for a minimum of 10 hours during the school week, the student may be considered a resident of the school district in which their parents work. This code section does not require that a school district accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race, ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions of EC §48204(b) include:

- Either the district in which the parent lives or the district in which the parent works may prohibit the student’s transfer if it negatively impacts a desegregation plan.
- The district in which the parent works may reject a transfer if it determines that the cost of educating the student would be more than the amount of government funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student must provide in writing to the parent the specific reasons for denying the transfer.

Open Enrollment Act (EC §48350 et seq.)

Whenever a student is attending a district school on the Open Enrollment List, as identified by the Superintendent of Public Instruction, the student may apply to transfer to another school within or outside of the district, if the school to which they are transferring has a higher Academic Performance Index. Districts with a school on the List must notify the parents at that school on or before the first day of the school year of their option to transfer to another public school. Information regarding the application process and applicable deadlines can be obtained from the district office.

This summary provides an overview of the laws applicable to school attendance for each alternative. Additional information is available upon request.

NOTICE OF ALTERNATIVE SCHOOLS (EC §58501): State law authorizes all school districts to provide for alternative schools. Education Code section 58500 defines an alternative school as a school or separate class group within a school that is operated in a manner designed to:

- (1) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (2) Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- (3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- (4) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- (5) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, student, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal’s office in each attendance area shall have copies of the law available for your information. This law particularly authorizes interested persons to request

that the governing board of the district to establish alternative school programs.

GRADE REDUCTION/LOSS OF ACADEMIC CREDIT (EC §48980(i)): No student shall have his/her grade reduced or lose academic credit for any excused absence pursuant to EC §48205 if missed assignments/tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

ABSENCES FOR CONFIDENTIAL MEDICAL SERVICES (EC §46010.1): Students in grades 7-12 and their parents are notified that the law permits schools to excuse students for the purpose of obtaining confidential medical services without parental consent. District policy regarding excusing such absences is available upon request.

ABSENCE FOR RELIGIOUS INSTRUCTION (EC §46014): Districts may allow pupils with parent consent to be excused to participate in religious exercises/instruction.

NOTICE OF MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS (EC §48980(c)): The district is required to annually notify parents of its schedule(s) of minimum days and student-free staff development days at the beginning of the year or as early as possible, but no later than one month prior to the scheduled minimum or student-free day. (*See attached.*)

MISCELLANEOUS

NON-MANDATORY PROGRAMS FOR PARENTAL/PUPIL PARTICIPATION (EC §49091.18): Schools may not require a student or student's family to submit to or participate in any assessment, analysis, evaluation, or monitoring of the quality or character of student home life, parental screening or testing, nonacademic home-based counseling program, parent training, or prescribed family educational service plan.

SEX EQUITY IN CAREER PLANNING (EC §221.5(d)): Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions.

SEXUAL HARASSMENT POLICY (EC §231.5; 5 CCR §4917): Each district is required to have adopted a written policy on sexual harassment, and shall provide a copy of such policy, as it pertains to students, with the annual notification. (*See attached.*) Districts are also required to display such policies in a prominent location and include it in orientation for employees and students, and provide a copy of such policy to new and continuing students as part of any orientation program held on a quarterly, semester or summer session basis.

DRUG FREE CAMPUS (Alcohol and Other Drug Use Prevention Education): Possession, use or sale of narcotics, alcohol, or other controlled substances is prohibited and strictly enforced at all school activities. Records will be forwarded to local law enforcement, and district sanctions will result from violations.

RIGHT TO REFRAIN FROM HARMFUL USE OF ANIMALS (EC §32255 et seq.): Pupils may choose to refrain from participating in educational projects involving the dissection or otherwise harmful or destructive use of animals in accordance with the procedures set forth in EC § 32255.1,

EVERY STUDENT SUCCEEDS ACT (20 USC §6301 et seq.): Under ESSA, parents have the following rights:

- **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects she/he teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether

she/he has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications. The district shall also notify parents if their child has been assigned to or has been taught for 4 or more consecutive weeks by a teacher who does not meet applicable certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information regarding any State or local policy mandating pupil assessments and the level of achievement of their student on every State and districtwide academic assessment administered to the student.
- **Limited English Proficient Students:** The Act requires prior notice be given to parents of English learners regarding limited English proficiency programs, including the reasons for the identification of the student as an English learner, the need of placement in a language instruction educational program, the student's level of English proficiency, how such level was assessed, the methods of instruction used in the programs available, how the recommended program will meet the student's needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for English learners.

The information provided above is available upon request from your child's school or the district office. Additional notices that may be required under the Every Student Succeeds Act shall be sent separately.

UNIFORM COMPLAINT PROCEDURES (5 CCR §4622): The district is required to annually notify parents, pupils, employees, district and school advisory committees and other interested parties in writing of its required Uniform Complaint Procedures. (*See attached.*)

SCHOOL BUSES/PASSENGER SAFETY (EC §39831.5): Districts are required to provide safety regulations to all new students and students who have not previously been transported by school bus.

MEGAN'S LAW NOTIFICATION (PENAL CODE §290.4): Parents and members of the public have the right to review information regarding registered sex offenders at the main office of the local law enforcement agency for this school district.

EXCUSED ABSENCES (EC §48205)

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
- (2) Due to quarantine under the direction of a county/city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five days per incident.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
- (7) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing

by the parent and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

(11) For the purpose of participating in a cultural ceremony or event.

(12)(A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.

(12)(B)(i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.

(12)(B)(ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(13)(A) For any of the purposes described in clauses (i) to (iii), inclusive, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, so long as the absence is not more than three days per incident.

(i) To access services from a victim services organization or agency.

(ii) To access grief support services.

(iii) To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

(B) Any absences beyond three days for the reasons described in subparagraph (A) shall be subject to the discretion of the school administrator, or their designee, pursuant to Section 48260.

(14) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed one schoolday per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) For purposes of this section, the following definitions apply:

(1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

(2) "Cultural" means relating to the practices, habits, beliefs, and traditions of a certain group of people.

(3) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(4) "Victim services organization or agency" has the same meaning as defined in paragraph (7) of subdivision (g) of Section 230.1 of the Labor Code.

INVESTING FOR FUTURE EDUCATION (EC §48980(d)):

Parents are advised of the importance of investing for higher education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

COMPLAINTS CONCERNING DEFICIENCIES RELATED TO INSTRUCTIONAL MATERIALS, ETC. (EC §35186): A Uniform Complaint process is available to help identify and resolve deficiencies related to instructional materials, emergency or urgent facility conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. Notice of the complaint process and location at which to obtain a complaint form should be posted in the classrooms.

SCHOOL ACCREDITATION (EC §35178.4): Districts are required to notify each parent of a pupil in a school that has lost its accreditation status and the potential consequences of the school's loss of status, in writing or by posting the information on the school district's or school's Internet Website, or by any combination of these methods.

PUPIL FEES (EC §49010 et seq.): The district is required to establish policies concerning the provision of a free education to pupils. The district is also required to establish policies for filing a complaint of noncompliance under this section using the Uniform Complaint Procedures. Notice of the district's fee policies and complaint process shall be provided to pupils, parents, and employees on an annual basis.

LOCAL CONTROL AND ACCOUNTABILITY PLAN (EC §§52059.5-52077): The district is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the district's spending plan. The LCAP must be approved before the annual district budget can be adopted. Once the budget and LCAP are adopted at the local level, the plan will be reviewed by the county superintendent to ensure alignment of projected spending toward goals and services. The following are the State priorities:

1. Providing all students access to fully credentialed teachers, instructional materials that align with state standards, and safe facilities;
2. Implementation of and student access to state academic content and performance standards;
3. Parent involvement and participation and family engagement;
4. Improving student achievement and outcomes along multiple measures;
5. Supporting student engagement;
6. Highlighting school climate and connectedness;
7. Ensuring all students have access to a broad course of study;
8. Measuring other important student outcomes related to required areas of study;
9. Coordinating instruction for expelled students; and
10. Coordinating services for foster children.

The Board of Education is required to establish a parent advisory committee (PAC) and English learner parent advisory committee (ELPAC) to provide advice to the Board of Education and the superintendent regarding the LCAP. (ELPACs are required if enrollment in the school district includes at least 15% English learners and the district enrolls at least 50 pupils who are

English learners. Districts are not required to establish a new ELPAC if an English learner parent committee has already been established).

Each district is required to consult with its teachers, principals, administrators, other school personnel, local bargaining units, parents, its special education local plan area administrator(s), and pupils in developing the LCAP. As part of this consultation process, districts must present their proposed plans to the PAC and ELPAC. The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the PAC and ELPAC. Districts are also required to notify members of the public that they may submit written comments regarding the specific actions and expenditures proposed in the LCAP.

Districts must hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan, and then adopt (or officially update) the LCAP at a subsequent hearing.

Districts are required to post prominently on the homepage of the school district's website the LCAP approved by the Board of Education and any updates, revisions or addenda to the LCAP as well as post or link to the LCAP submitted by any charter school authorized by the district, and establish policies for filing a complaint of noncompliance under EC §52075 using the Uniform Complaint Procedures. Information regarding the requirements for a Local Control and Accountability Plan and the complaint process shall be provided to pupils, parents, and employees on an annual basis.

The Age Discrimination Act (42 USC § 6101 et seq.): The Age Discrimination Act prohibits discrimination in programs or activities receiving federal and/or state financial assistance.

The Boy Scouts of America Equal Access Act (34 CFR § 108.6): The Boy Scouts of America Equal Access Act requires public schools to provide equal access to the use of school property to the Boy Scouts and other designated youth groups.

ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS NOTIFICATION

Detach, sign, and return this page to your child's school indicating that you have been notified of the specified activities and whether you have a child on continuing medication.

This annual notification is also available in an electronic format and can be provided to you upon request. If the notice is provided in an electronic format, the parent or guardian shall submit to the school this signed acknowledgement of receipt of the notice.

Student's Name: _____

School: _____ Grade: _____

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: _____ Date: _____

PLEASE COMPLETE THE FOLLOWING IF APPLICABLE:

1. Student is on a continuing medication program as prescribed by a physician: (Please check one) YES _____ NO _____

If YES, you have my permission to contact student's physician:

Physician's Name: _____ Telephone: _____

Medication: _____ Dosage: _____

Medication: _____ Dosage: _____

2. If you do not wish directory information released, please sign where indicated below and ensure receipt of this form by the school office **within the next 30 days**. Note that this will prohibit the district from providing the student's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding _____ (Pupil's Name) _____ (Date of Birth)

School: _____ Grade: _____

Check if an exception may be made to include student information and photos in the yearbook.

Signature of Parent or Guardian: _____ (Date)

3. By signing below, you give the district **permission to have photographs of your student in the yearbook** and other school related publications.

Student's Name: _____

School: _____ Grade: _____

Signature of Parent or Guardian: _____ Date: _____

Regulation 6173: Education For Homeless Children

Status: ADOPTED

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 05/19/2022 | **Last Reviewed Date:** 05/19/2022

Definitions

Homeless students means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48859; 42 USC 11434a)

1. Students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals
2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because they are living in conditions described in items #1-3 above

Unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian. (Education Code 48859; 42 USC 11434a)

School of origin means the school that the homeless student attended when permanently housed or the school in which the student was last enrolled, including a preschool. If the school the homeless student attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the student attended within the preceding 15 months and with which the student is connected, the district liaison for homeless students shall determine, in consultation with and with the agreement of the homeless student and the person holding the right to make educational decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

Best interest means that, in making educational and school placement decisions for a homeless student, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 42 USC 11432)

District Liaison

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Superintendent/Principal
1935 Bohemian Hwy
Occidental, Ca 95465
mmorgan@harmonyusd.org
707-874-1205

The district's liaison for homeless students shall: (Education Code 48851.5, 48852.5; 42 USC 11432)

1. Ensure that homeless students are identified by school personnel through outreach and coordination activities with other entities and agencies
2. Ensure that homeless students are enrolled in, and have a full and equal opportunity to succeed in, district schools

3. Ensure that homeless families and children and youth have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district
4. Ensure that homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services
5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children
6. Disseminate public notice of the educational rights of homeless students in locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.
7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below
8. Fully inform parents/guardians of homeless students and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice
9. Ensure that school personnel providing services to homeless students, including principals and other school leaders, attendance supervisors, teachers, enrollment personnel, and specialized instructional support personnel, receive professional development and other support
10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090
11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students, including the collection and provision of comprehensive data to the state coordinator as required by law

In addition, when notified pursuant to Education Code 48918.1, the district liaison shall assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in the student's expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program (IEP) team meeting to make a manifestation determination regarding the behavior of a student with a disability.

The Superintendent or designee shall inform homeless children and youth, their parents/guardians, school personnel, service providers, and advocates working with homeless families of the duties of the district's liaison. The Superintendent or designee shall also provide the name and contact information of the district's liaison to the California Department of Education (CDE) for publishing on CDE's web site. (42 USC 11432)

Enrollment

The district shall make placement decisions for homeless students based on the student's best interest. (42 USC 11432)

In determining the best interest of the student, the district shall consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (42 USC 11432)

Such factors may include, but are not limited to, the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a homeless student lives with the student's homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the district liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of the right to appeal. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in the school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if the student: (Education Code 48850, 48852.7; 42 USC 11432)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records
4. Has missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or designee shall immediately refer the parent/guardian to the district liaison for homeless students. The district liaison shall assist the parent/guardian, or the student if the student is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than the school of origin or the school requested by the student's parent/guardian or the student, if an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the reasons for the decision, including why placement in the student's school of origin or requested school is not in the student's best interest, along with a statement regarding the right to appeal the placement decision. The written explanation shall be in a manner and form understandable to such parent/guardian or unaccompanied youth. (42 USC 11432)

At the point of any change or subsequent change in the residence of a homeless student, the student may continue attending the student's school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the homeless student has the benefit of matriculating with the student's peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, the student shall be allowed to continue in the same attendance area.
2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the student shall be allowed to continue to the school designated for matriculation in that district.

If the student's status changes before the end of the school year so that the student is no longer homeless, the student shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if the student is in grades K-8

2. Through graduation if the student is in high school

Resolving Enrollment Disputes

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

The written explanation shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the action is proposed or refused
3. A description of any other options the district considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the district liaison and state coordinator, and a brief description of those roles

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position
2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process
4. Provide them a copy of the dispute form they submit for their records
5. Provide them the outcome of the dispute for their records

When a student's parent/guardian or an unaccompanied youth involved in the enrollment dispute is an English learner, Items #1-5 shall be provided either in the native language of the parent/guardian or unaccompanied youth or through an interpreter, and any additional support needed because of a disability of that parent/guardian or unaccompanied youth shall be made available without a charge.

If a parent/guardian or unaccompanied youth disagrees with the district liaison's enrollment decision, the decision may be appealed to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the liaison for homeless students at the county office of education.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

Transportation

The district shall provide transportation for a homeless student to and from the student's school of origin when the student is residing within the district and the parent/guardian, or the district liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend the student's school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

The district shall not be obligated to provide transportation to students who continue attending their school of origin after they cease to be homeless, unless the formerly homeless student has an IEP that includes transportation as a necessary related service for the student. (Education Code 48852.7)

Transfer of Coursework and Credits

When a homeless student transfers into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school and shall not require the student to retake the course. (Education Code 51225.2)

If the homeless student did not complete the entire course, the student shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that the student did not complete at the previous school. However, the district may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a homeless student in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a homeless student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

To obtain a high school diploma, a homeless student shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements established by the Governing Board.

However, when a homeless student who has completed the second year of high school transfers into the district from another school district or transfers between high schools within the district, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the homeless student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for

the student, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

To determine whether a homeless student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer or the length of the student's school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any homeless student who is granted an exemption and the person holding the right to make educational decisions for the student how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a homeless student to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a homeless student, the person holding the right to make educational decisions for the student, or the district liaison on behalf of the student. (Education Code 51225.1)

If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer homeless or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for the student, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect the ability to gain admission to a postsecondary educational institution
2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the homeless student or with the person holding the right to make educational decisions for the student if under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

Eligibility for Extracurricular Activities

A homeless student who enrolls in any district school shall have access to extracurricular and enrichment activities that are available to all students in the school, including but not limited to, interscholastic sports administered by the California Interscholastic Federation. (Education Code 48850)

Notification, Complaints, and Posting Requirements

Information regarding the educational rights of homeless students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of homeless students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

The Superintendent or designee shall ensure that a list of the district's liaison(s) and the contact information for such liaison(s), as well as specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district's web 126

site. (Education Code 48852.6)

Each district school that has a web site shall also post the contact information for the district liaison and the name and contact information of any employee or other person under contract with the school who assists the district liaison in completing the liaison's duties pursuant to 42 USC 11432. (Education Code 48852.6)

Policy 4119.21: Professional Standards

Status: ADOPTED

Original Adopted Date: 02/15/2018

The Board of Trustees expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

(cf. 0200 - Goals for the School District)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.7 - Firearms on School Grounds)

(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

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

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

(cf. 3515.2 - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information

(cf. 3580 - District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

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

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

Policy 4119.24: Maintaining Appropriate Adult-Student Interactions

Status: ADOPTED

Original Adopted Date: 09/12/2019 | **Last Reviewed Date:** 09/12/2019

The Board of Trustees desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames

to individual students

8. Addressing a student in an overly familiar manner, such as by using a term of endearment
 9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
 10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
 11. Transporting a student in a personal vehicle without prior authorization
 12. Encouraging students to confide their personal or family problems and/or relationships
 13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students
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Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 08/23/2018 | **Last Revised Date:** 11/10/2021

The Governing Board is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

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 in a timely manner when they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that:

1. 1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices
5. Provides strategies to manage conflicts constructively

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.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

The Superintendent or designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

Complaints

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 compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

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

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 or other applicable procedure. 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.

Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

Original Adopted Date: 08/23/2018 | **Last Revised Date:** 04/11/2024 | **Last Reviewed Date:** 04/11/2024

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The 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, reproductive health decisionmaking, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, 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.

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.

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

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

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, 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 website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

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. (Education Code 48985; 20 USC 6312)

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. 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.

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 websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee 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.

The individual identified in Administrative Regulation 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. The compliance officer 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.

Superintendent/Principal
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Regulation 5131.2: Bullying

Status: DRAFT

Original Adopted Date: 09/12/2019 | **Last Reviewed Date:** 09/17/2024

Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

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

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

Measures to Prevent Bullying

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

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
3. Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
6. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

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

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

Information and Resources

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

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 development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

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

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

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

Reporting and Filing of Complaints

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.

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 Administrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether 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 such observation to the principal or a district compliance officer, regardless of whether 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 Administrative Regulation 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the Superintendent or designee may report the cyberbullying to the social media platform and may request the material be removed.

Discipline/Corrective Actions

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.

When a student has been suspended, or other means of correction have been implemented against the student, for

an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

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.

Support Services

The Superintendent, principal, or 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)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.

Regulation 5145.7: Sex Discrimination and Sex-Based Harassment

Status: ADOPTED

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 02/18/2021 | **Last Reviewed Date:** 02/18/2021

Definitions

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Superintendent Matthew Morgan
1935 Bohemian Hwy
Occidental Ca 95465
707-874-1205
mmorgan@harmonyusd.org

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in

Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Policy 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 02/21/2019 | **Last Revised Date:** 11/10/2021

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

In developing policy and procedures for suicide prevention, intervention, and postvention, the Superintendent or designee shall consult with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include district and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the district's risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align district policy with any existing community suicide prevention plans.

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

1. Staff development on suicide awareness and prevention for teachers, interns, school counselors, and others who interact with students, including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers
2. Instruction to students in problem-solving, coping, and resiliency skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
4. The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide
5. The provision of information to parents/guardians and caregivers regarding risk and protective factors, warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, the district's suicide prevention policy and procedures, basic steps for helping suicidal youth, the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training, and/or school and community resources that can help youth in crisis
6. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
7. Crisis intervention procedures for addressing suicide threats or attempts
8. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide
9. Establishment of district and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other district practices related to the emotional and behavioral wellness of students, including, but not limited to, the oversight of mental health and suicide prevention training, collaboration with

community mental health organizations, identification of resources and organizations that provide evidence-based treatment, collaboration to build community response, and compliance with Education Code 215

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

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

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

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

The Board shall review, and update as necessary, this policy at least every five years. The Board may, at its discretion, review the policy more frequently. (Education Code 215)


The Superintendent or designee shall periodically review district data pertaining to school climate and reports of suicidal ideation, attempts, or death to identify patterns or trends and make recommendations regarding program development.

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



7. A. vi. Pathways Director Report

Supporting Documents

 Pathways Director Report to Harmony Board October 2024

**Report to the Harmony School Board
Michele Blaisdell, Director
Pathways Charter School
October 2024**

This month's report will focus on enrollment and staffing updates. In November, I will discuss our WASC Self-Study process and share a few program highlights.

Enrollment as of October 10, 2024:

364 total students
352 fully enrolled
12 in pre-enroll

Grade Level Distribution:

207 TK-8
157 9-12

Compared to October 12, 2023:

330 total students

Compared to September 12, 2024 (updated):

343 total students
340 fully-enrolled
3 in pre-enroll

Compared to September 14, 2023:

329 total students

Our 24-25 budget is based on consistent 352 enrollment (with an ADA rate of 93%).

These **enrollment numbers** do not include several dozen students across the four counties we serve (Sonoma, Marin, Solano, Napa) who have (1) **expressed interest** in Pathways, (2) are **on a waitlist** (generated via lottery when there is not sufficient staff space available to enroll all interested students at a given time), or (3) **in-the-process of completing** their registration.

Since my September 2024 report, we have **hired two part-time regional teachers** (one based in Rohnert Park, one based in Vallejo) and a **part-time instructional assistant** at our Vallejo Learning Center to help address increased enrollment interest. In addition, since our full-time special education case managers are full (which also impacts our ability to enroll and serve new students), we just finalized a **contract with Stepping Stones for special education case management services**, as needed.

Hiring is a calculated risk, supported by our Board, with the understanding that Pathways would benefit by being able to absorb unmet interest and accommodate reasonable growth.

Staff: 37 total

Classified and certificated, hourly and salaried, full and part-time, serving three regions and four counties.

On October 9, our Board approved step raises for longevity, effective October 1, 2024. Please see page two for more information.

**Pathways Charter School
Special Board Meeting
October 9, 2024
Executive Director Comment**

Recommendation: *The Board should approve a Step Raise for Longevity, effective October 1st. Please see below for supporting information.*

Impact on the Budget: Implementing a step raise for longevity as of October 1st (reflected in the October 25th paychecks) will increase our salary costs by approximately \$50,000 annually.

Enrollment as of October 9, 2024:

- 365 total
- 353 fully enrolled
- 12 in pre-enroll

See below for a comparison with enrollment as of October 11, 2023: 330 total.

For context, our 2024-25 budget is based on a consistent enrollment of 352 students, with an ADA rate of 93%.

Current Enrollment Count by County/Gradelevel as-of 10/09/2024					
Grade	Marin	Napa	Solano	Sonoma	Totals
TK	2	0	3	4	9
KN	3	2	4	5	14
01	5	1	0	13	19
02	6	1	3	10	20
03	5	2	4	8	19
04	5	0	5	8	18
05	2	1	7	11	21
06	10	0	6	10	26
07	5	1	6	15	27
08	8	3	7	16	34
09	1	1	10	25	37
10	3	3	2	26	34
11	5	3	5	26	39
12	3	0	9	36	48
Totals	63	18	71	213	365

Historical Enrollment Statistics						
Date	Marin / Diff	Napa / Diff	Solano / Diff	Sonoma / Diff	Total	Diff
10/11/2023	49	18	68	195	330	

This is the language I shared with staff on June 12, 2024, as part of my message regarding their contracts for the 2024-25 school year:

Step Raises for Longevity

- **What:** The Board has approved step raises, assuming enrollment supports them, as has been our practice in years past. (Approximately 2%, depending on individual salary schedule placement.)
- **When:** Enrollment numbers will be verified on Wednesday, October 2, 2024, the Census Day for reporting to the state, and discussed during the Board meeting on Wednesday, October 16, 2024. If confirmed, the Board will also determine whether raises will be retroactive to August 1st or effective as of October 1st. Either way, any raises will appear on the October 25th paychecks.
- **Who:** Only staff members who have been employed for a minimum of one year as of the beginning of the 2024-25 school year are eligible to receive step raises for longevity.

7. B. Public Comment

Quick Summary / Abstract

For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.

Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.



7. C. Correspondence



8. Consent Agenda



8. A. Vendor Warrants

Supporting Documents

 Board Report of Checks 10112024 through 11142024

Checks Dated 10/11/2024 through 11/14/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
2058179	10/16/2024	Bree Douma // Bohemian Flowers	01-4300	Autumn Festival Flowers		200.00
2058180	10/16/2024	Collins, Kyle L	03-5630	Screen Repair		479.98
2058181	10/16/2024	Johnston, Allison J	01-3441	Reimbursement for Vision Care Costs		
2058182	10/16/2024	Jacobs, Amanda	01-5201	Mileage to Sonoma for Alice Waters Farm to School Meeting	13.33	200.00
			03-5201	Mileage to Sonoma for Alice Waters Farm to School Meeting	40.00	53.33
2058183	10/16/2024	Advent Office	01-4400	Ergonomic Office Chairs	334.53	
			03-4400	Ergonomic Office Chairs	1,003.58	1,338.11
2058184	10/16/2024	Allen Brothers	13-4710	Cafeteria		
2058185	10/16/2024	Amazon Capital Services	01-4310	Classroom Supplies - Johnston	8.71	1,372.50
			01-4350	Business Office	4.43	
			01-4400	Custodial/Maintenance Equipment	112.83	
			03-4210	Library Books	17.34	
			03-4310	Classroom Supplies - Porter	28.54	
				Library Books	32.59	
			03-4350	Business Office	13.28	
			03-4400	Custodial/Maintenance Equipment	338.49	
			13-4390	Cafeteria supplies	180.84	737.05
2058186	10/16/2024	AT&T	01-5911	AT&T - Monthly Phone Charges	38.54	
			03-5911	AT&T - Monthly Phone Charges	115.61	154.15
2058187	10/16/2024	Brady Industries NorCal, LLC	01-4370	Custodial & Maintenance Supplies	113.71	
			03-4370	Custodial & Maintenance Supplies	1,033.76	1,147.47
2058188	10/16/2024	Carolina Biological	03-4400	UV Goggle Sanitizing Cabinet		942.89
2058189	10/16/2024	Clover Stormetta Farms	13-4710	Dairy for School Meals		1,463.16
2058190	10/16/2024	Coolpoint Refrigeration	01-5630	Repair call: walk-in losing temp		284.25
2058191	10/16/2024	Department Of Justice	01-5862	Fingerprinting	32.00	
			03-5862	Fingerprinting	96.00	128.00
2058192	10/16/2024	Harmony Farm Supply	01-4370	Garden Supplies		55.48
2058193	10/16/2024	Honey Bucket	01-5600	Port-o-Potties	195.32	
			03-5600	Port-o-Potties	585.94	781.26
2058194	10/16/2024	McPhail Fuel Company	01-5510	Propane	313.39	
			03-5510	Propane	940.19	1,253.58
2058195	10/16/2024	Nana Mae's Organics	13-4710	Produce for School Meals		423.00
2058196	10/16/2024	PTS Communications	01-5911	Payments for Payphone	17.50	
			03-5911	Payments for Payphone	52.50	70.00
2058197	10/16/2024	Recology Sonoma Marin	01-5560	Monthly - Garbage, Recycle	129.05	
			03-5560	Monthly - Garbage, Recycle	387.15	516.20

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 10/11/2024 through 11/14/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
2058198	10/16/2024	School & College Legal Service	01-5823	Legal Services - 2024/2025	1,875.00	
2058199	10/16/2024	Sebastopol Hardware	03-5823	Legal Services - 2024/2025	5,625.00	7,500.00
2058200	10/16/2024	Stericycle, Inc.	01-4370	Garden Supplies & Custodial		6.98
2058201	10/16/2024	Sysco Sacramento, Inc.	01-5805	Document Shredding	64.59	
			03-5805	Document Shredding	193.77	258.36
			01-4710	Cafeteria	48.36	
			03-4710	Cafeteria	145.07	
			13-4390	Cafeteria	132.05	
2058202	10/16/2024	Teacher Synergy LLC	13-4710	Cafeteria	1,804.09	2,129.57
			01-4240	Teacher Synergy TPT School Access	600.00	
2058203	10/16/2024	Veritable Vegetable	03-4240	Teacher Synergy TPT School Access	1,800.00	2,400.00
2058911	10/18/2024	Amazon Capital Services	13-4710	Cafeteria		1,605.60
			01-4310	Classroom Supplies - Johnston	563.08	
			03-4310	Classroom Supplies - Sonntag	30.78	
				Classroom Supplies - Sonntag	92.32	
				Covel - Instructional Supplies	47.62	733.80
2058912	10/18/2024	Employment Dev. Dept. Ui	01-9555	SUI Q3 2024 Dues		443.44
2058913	10/18/2024	Harmony Revolving Account	01-9557	Reimbursement for SDI Sept 2024payment		4,624.43
2058914	10/18/2024	Lynn Rey	03-5810	NPS Contract Tuition & Mileage		35,325.00
				Reimbursement: Check #1582		
2058915	10/18/2024	Tanya Turneaure	01-5830	Director of Communications Services	618.75	
				Mentor Services	356.25	
			03-5830	Director of Communications Services	1,856.25	
				Mentor Services	1,068.75	3,900.00
2058916	10/18/2024	Weeks Drilling & Pump Co.	01-5530	Monthly Service Invoices FY25	513.44	
2059633	10/23/2024	Plumfield Academy	03-5530	Monthly Service Invoices FY25	1,540.31	2,053.75
2059634	10/23/2024	Redwood Lock, Inc	03-5810	NPS Contract for 2024-25 SY		8,785.43
2059635	10/23/2024	SCOE System Use	01-4390	Campus Security/Safety		218.00
			01-5202	Professional Development	6.25	
2059636	10/23/2024	Sonoma County Office Of Ed.	03-5202	Professional Development	18.75	25.00
2059637	10/23/2024	West Sonoma County Union High	01-5806	SpEd Goalbook License		550.00
2060888	10/30/2024	Alpha Analytical Lab, Inc.	01-5100	2024-25 Consortium costs		52,618.25
			01-5884	Water Testing	36.50	
2060889	10/30/2024	Amazon Capital Services	03-5884	Water Testing	109.50	146.00
			01-4300	Event Supplies	473.22	
				Sunshine Committee	83.47	
			03-4310	Classroom Supplies - Kaplan	82.12	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 10/11/2024 through 11/14/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
2060889	10/30/2024	Amazon Capital Services	14-4400	Campus Restoration/Renovation purchases Umbrellas	3,417.12	4,055.93
2060890	10/30/2024	Clover Stormetta Farms	13-4710	Dairy for School Meals		1,447.93
2060891	10/30/2024	Follett Content Solutions	03-4210	Library Books		436.79
2060892	10/30/2024	Eugene Gaffney IV	14-5830	2024-25 Poison Oak Removal		157.50
2060893	10/30/2024	Heggerty	01-5202	Bridge to Reading Professional Development Webinar	1,333.33	
2060894	10/30/2024	Honore Farm and Mill	03-5202	Bridge to Reading Professional Development Webinar	2,666.67	4,000.00
2060895	10/30/2024	Indoor Environmental Services	13-4710	Orders of Flour for the Cafeteria		810.00
			01-5630	Repair calls	197.35	
			03-5630	Repair calls	592.05	789.40
2060896	10/30/2024	Pacific Gas & Electric Company	01-5520	Electricity for the 2024-25 school year	1,478.78	
			03-5520	Electricity for the 2024-25 school year	4,436.33	5,915.11
2060897	10/30/2024	Sysco Sacramento, Inc.	01-4710	Cafeteria	39.99	
			03-4710	Cafeteria	119.98	
			13-4390	Cafeteria	232.05	
			13-4710	Cafeteria	1,456.42	1,848.44
2060898	10/30/2024	U. S. Bank Equipment Finance	01-5881	Cannon Copiers	626.71	
			03-5881	Cannon Copiers	1,880.13	2,506.84
2060899	10/30/2024	US Bancorp Service Center Corporate Payment Systems	01-4140	Electronic Curriculum Subscriptions	71.94	
			01-4300	Instructional Materials	92.20	
				Staff and Student Event Supply	992.22	
			01-4310	Garden Program Materials	57.79	
			01-4390	Water and needs during interruptions to operations	45.65	
			01-4397	Cafeteria Food and Supplies	289.77	
				Staff and Student Event Supply	370.83	
			01-5530	Water and needs during interruptions to operations	34.40	
			01-5806	Software Subscriptions	130.42	
			01-5950	Cummulative Record Postage	2.45	
			03-4140	Electronic Curriculum Subscriptions	215.81	
			03-4300	Instructional Materials	276.61	
				Positive Behavior Incentives	9,174.21	
			03-4310	Garden Program Materials	173.34	
				Instructional Materials	184.58	

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 10/11/2024 through 11/14/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
2060899	10/30/2024	US Bancorp Service Center Corporate Payment Systems	03-4390	Water and needs during interruptions to operations	136.92	
			03-5530	Water and needs during interruptions to operations	103.18	
			03-5806	Software Subscriptions	391.28	
			03-5950	Cummulative Record Postage	7.35	
			13-4390	Cafeteria Food and Supplies	32.40	
			13-4710	Cafeteria Food and Supplies	30.04	
			13-5300	Food Handler's Manager Certificates	119.95	
			25-4400	District Equipment	6,796.44	19,729.78
2060900	10/30/2024	Veritable Vegetable	13-4710	Cafeteria		1,085.25
2062310	11/06/2024	Amazon Capital Services	01-4350	Blanket PO for Vice Principal Business Office	10.83	
					107.31	
			01-4390	Blanket PO for Vice Principal	858.22	
				Front Office Supplies	185.90	
			01-4400	Front Office Equipment	71.22	
			03-4300	Blanket PO for Vice Principal	141.25	
			03-4310	Classroom Supplies - Collins	41.23	
				Classroom Supplies - Site Council	877.48	
				Psychologist Materials and Supplies	54.64	
			03-4350	Blanket PO for Vice Principal Business Office	32.48	
					321.93	
2062311	11/06/2024	Timothy S Barlow dba Barlow Enterprises	03-4400	Front Office Equipment	213.66	2,916.15
			01-4300	Garden Compost - 20 yds w/ delivery	287.50	
			03-4300	Garden Compost - 20 yds w/ delivery	862.50	1,150.00
2062312	11/06/2024	Brady Industries NorCal, LLC	01-4370	Custodial & Maintenance Supplies	99.44	
			03-4370	Custodial & Maintenance Supplies	298.32	
2062313	11/06/2024	CharacterStrong	03-5830	Site Lic Renewal		397.76
2062314	11/06/2024	Clover Stormetta Farms	13-4710	Dairy for School Meals		999.00
2062315	11/06/2024	Dragonfly Therapeutics	01-5809	OT Services for SPED		665.63
2062316	11/06/2024	Employment Dev. Dept	01-9555	942-0515-0 SEF Local Exp Chrg 7.1 to 9.30.24		4,980.00
2062317	11/06/2024	Follett Content Solutions	03-4210	Library Books		875.17
2062318	11/06/2024	Home Depot	01-4370	Custodial supplies	14.60	
			03-4370	Custodial supplies	43.79	58.39
2062319	11/06/2024	Honey Bucket	01-5600	Port-o-Potties	195.31	
2062320	11/06/2024	Jody Tuck	03-5600	Port-o-Potties	585.95	781.26
			01-5830	CallPads EOY and Certification Assistance		700.00

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 10/11/2024 through 11/14/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
2062321	11/06/2024	Major Alarm, Inc.	01-5590	Fire & Security Monitoring	13.75	
2062322	11/06/2024	Alyson Musetti	03-5590	Fire & Security Monitoring	41.25	55.00
2062323	11/06/2024	Nana Mae's Organics	01-5830	Behavior Consultant Services		632.50
2062324	11/06/2024	Occidental Towing	13-4710	Produce for School Meals	37.50	141.00
2062325	11/06/2024	Plumfield Academy	01-5630	Kubota Tractor Tire Repair		150.00
2062326	11/06/2024	PTS Communications	03-5630	Kubota Tractor Tire Repair	112.50	1,844.39
2062327	11/06/2024	Recology Sonoma Marin	03-5810	NPS Contract for 2024-25 SY		
2062328	11/06/2024	School Nutrition Association	01-5911	Payments for Payphone	17.50	
2062329	11/06/2024	Stericycle, Inc.	03-5911	Payments for Payphone	52.50	70.00
2062330	11/06/2024	Veritable Vegetable	01-5560	Monthly - Garbage, Recycle	129.05	
2062331	11/06/2024	Verizon Wireless	03-5560	Monthly - Garbage, Recycle	387.15	516.20
2062332	11/06/2024	West County Trans. Agency	13-5300	School Nutrition Association 1/1/2025 - 12/31/2025		158.00
2063090	11/08/2024	Collins, Kyle L	01-5805	Document Shredding	32.29	
2063091	11/08/2024	Amazon Capital Services	03-5805	Document Shredding	96.89	129.18
2063092	11/08/2024	Castino Inc.	01-4710	Cafeteria	8.75	
2063093	11/08/2024	Paolina Figueroa	03-4710	Cafeteria	26.25	496.20
			13-4710	Cafeteria	461.20	
			01-5912	Cell service & Hot Spots	94.71	
			03-5912	Cell service & Hot Spots	284.13	378.84
			01-5205	Field Trip Transportation		258.60
			03-4310	Reimbursement for Science Materials		190.57
			01-4350	Business Office	1.36	
			01-4351	Front Office Supplies	22.10	
			01-4370	Front Office Supplies	117.99	
			01-4390	Custodial/Maintenance Supplies	81.39	
			03-4310	Library Books	21.78	
			03-4350	Business Office	4.08	
			03-4351	Front Office Supplies	66.30	
			03-4370	Custodial/Maintenance Supplies	353.98	
			13-4390	Cafeteria supplies	20.70	
			13-4710	Cafeteria supplies	106.20	2,307.52
			01-5830	Student Support Services	100.00	95.58
			03-5830	Student Support Services	300.00	400.00

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 10/11/2024 through 11/14/2024

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
2063094	11/08/2024	Harmony Revolving Account	01-4300	FP, Aftercare couch, Risky Play Speaker, Pinnacles	40.00	
			01-4397	FP, Aftercare couch, Risky Play Speaker, Pinnacles	1,266.41	
			01-5830	FP, Aftercare couch, Risky Play Speaker, Pinnacles	50.00	
			01-5862	FP, Aftercare couch, Risky Play Speaker, Pinnacles	53.75	
			03-4300	FP, Aftercare couch, Risky Play Speaker, Pinnacles	120.00	
			03-5830	FP, Aftercare couch, Risky Play Speaker, Pinnacles	150.00	
			03-5862	FP, Aftercare couch, Risky Play Speaker, Pinnacles	161.25	1,841.41
2063095	11/08/2024	Nigro & Nigro	01-9510	Audit Services for 2023-24	1,050.00	
			03-9510	Audit Services for 2023-24	3,150.00	
			21-9510	Bond Audit Services for 2023-24	2,250.00	6,450.00
2063096	11/08/2024	Harmony Student Body Fund	01-4397	\$2,500 Referrees, Event Reimbursement	264.07	
			03-5830	\$2,500 Referrees, Event Reimbursement	2,500.00	2,764.07
2063097	11/08/2024	U. S. Bank Equipment Finance	01-5881	Cannon Copiers	372.31	
			03-5881	Cannon Copiers	1,116.91	1,489.22
Total Number of Checks					80	211,809.21

Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	59	85,844.67
03	General Fund/charter School	53	99,499.89
13	Cafeteria Fund	17	13,843.59
14	Deferred Maintenance Fund	2	3,574.62
21	Building Fund	1	2,250.00
25	Capital Facilities Fund	1	6,796.44
Total Number of Checks		80	211,809.21
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			211,809.21

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.



8. B. Approve the minutes from regular meeting held 10/10/24

Recommendation

Approve through consent agenda




8. C. Approve the minutes from special meeting held 5/24/24

Recommendation

Approve through consent agenda

Supporting Documents

 Board Meeting Minutes 5_24_24, special, unapproved

**Harmony Union School District
Special School Board Meeting
May 24, 2024
Minutes (draft/unapproved)**

Board Members present:

Andrew Cone (AL), Amanda Solter (AS), Yuri Koslen (YK), Mariah Lander (ML), Charlie Laird (CL)

Also present:

Suzi Heron, Stacy Kalember, Matthew Morgan

Meeting opened: at ___ pm

Entered into closed session: at ___ pm

Entered into open session at ___ pm

1.0 Call to Order

2.0 Pledge of Allegiance

3.0 Approval of the Agenda

Motion:

Second:

All in favor—motion carried

Public Comment for Closed Session: Ross Jacobson asked about staffing decisions for next year and what updates can be provided, especially regarding the rising 4th grade class not having a new teacher for the 3rd consecutive year.

4.0 Closed Session

4.1 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR. Name of Agency Negotiator: Matthew Morgan. Name of organization representing employees: CSEA. Info/Action

4.2 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR. Name of Agency Negotiator: Matthew Morgan. Name of organization representing employees: HUTA. Info/Action

4.3 With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957:Public Employee - Discipline/ Dismissal/ Release. Info/Action

4.4 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: Contract with Confidential Unrepresented Employee. Info/Action

4.5 With respect to every item of business to be discussed in closed session pursuant to Education Code Sections 35146, 48900 et seq. and 48912(b): STUDENT DISCIPLINE AND OTHER CONFIDENTIAL STUDENT MATTERS. Info/Action

4.6 With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957.6: Update on Anticipated Litigation items: Cistern Project. Info/Action

5.0 Reconvene to Open Session

6.1 Report on any action taken during closed session
The Board has approved the three-year agreement with HUTA.

6.0 Communication

7.0 Consent Agenda, Action

7.1 Minutes from regular meeting held 04/11/2024. Action
No minutes attached—table

7.2 Minutes from the special meeting held 4/17/2024. Action
No minutes attached—table

7.3 Approve Field Trip: Third and Fifth Grade classes to CYO Camp for End of Year Celebration Swim Party 06/04/2024. Action

7.4 Approve the Consent Agenda. Action

Motion:
Second:
All in favor—motion carried

8.0 Information/Correspondence/Discussion

8.1 Revised 2023-24 Calendar. Info
Stacy explained that it's a revised calendar because of using emergency days.

8.2 Letter from SCOE recognizing that Harmony will be able to meet its fiscal obligations as reported on the Second Interim Report for the 2023-2024 Budget. Info Stacy said budget was approved.

9.0 Action Items

9.1 Consideration of HUSD Calendar for 2024-25 School Year. Action Matthew explained next year's calendar and conference week changes. No public comment on the calendar.

Motion:

Second:

All in favor—motion carried

9.2 Consideration of Classroom Capacity RESOLUTION NO. 2023/24-9. Action Not addressed.

10.0 Next Board Meeting

June 13, 2024

11.0 Adjournment

Agendas have been posted at the Harmony School public bulletin board and the Harmony Union School District Website at www.harmonyusd.org.



8. D. Approve the Consent Agenda

Recommendation





That the board approve the consent agenda



9. Information / Correspondence / Discussion

9. A. Enrollment Report

Supporting Documents

-  [Print Enrollment By Teacher 11142024 SC](#)
-  [Print Average Daily Attendance \(ADA\) Summary 11142024 SC](#)
-  [Print Average Daily Attendance \(ADA\) Summary 11142024 harmony](#)
-  [Print Enrollment By Teacher 11142024 Harmony](#)

Information

Hamony loss: 1 student-tk

Salmon Creek loss: 3 students- 3rd grade= 1, 5th grade= 2

Salmon Creek Charter

11/14/2024

11:36 AM

2024-2025 Enrollment by Teacher and Grade Page 1

Teacher	----- 2 -----			----- 3 -----			----- 4 -----			----- 5 -----			----- 6 -----			----- 7 -----			----- 8 -----			----- ALL -----		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total
052 Covel, Bonnie	-	-	-	-	-	-	-	-	-	13	6	19	-	-	-	-	-	-	-	-	-	13	6	19
051 Figueroa H	8	12	21*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	12	21*
085 Guthrie P	-	-	-	-	-	-	-	-	-	-	-	-	15	14	29	-	-	-	-	-	-	15	14	29
050 Kaplan, Alexander	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	8	20	12	8	20	
063 Lanning M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	14	25*	-	-	-	10	14	25*
007 McGovern S	-	-	-	-	-	-	9	14	23	-	-	-	-	-	-	-	-	-	-	-	-	9	14	23
039 Monroe M	-	-	-	8	11	20*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	11	20*
School Total:	8	12	21*	8	11	20*	9	14	23	13	6	19	15	14	29	10	14	25*	12	8	20	75	79	157*

* Class total is calculated including Nonbinary gender students

Salmon Creek Charter

11/14/2024

2024-2025

Average Daily Attendance (ADA) Summary

Page 1

8/15/2024 - 11/14/2024

School	Grd	Average Daily Enrollment	Average Daily Attendance	Average Daily Absences	ADA %
Salmon Creek Charter	2	21.16	19.90	1.25	94.05%
	3	20.97	19.46	1.51	92.80%
	4	22.97	21.51	1.46	93.64%
	5	20.94	19.35	1.59	92.41%
	6	29.54	27.33	2.21	92.52%
	7	24.89	23.73	1.16	95.34%
	8	20.00	18.92	1.08	94.60%
School Totals:		160.46	150.21	10.25	93.61%

Note: Detail may not add up to the totals due to truncation of detail numbers

Harmony Elementary

11/14/2024

2024-2025

Average Daily Attendance (ADA) Summary

Page 1

8/15/2024 - 11/14/2024

School	Grd	Average Daily Enrollment	Average Daily Attendance	Average Daily Absences	ADA %
Harmony Elementary	TK	23.71	21.73	1.98	91.65%
	K	26.00	24.29	1.71	93.42%
	1	21.41	20.02	1.40	93.51%
School Totals:		71.13	66.03	5.10	92.83%

Note: Detail may not add up to the totals due to truncation of detail numbers

Harmony Elementary

11/14/2024

11:38 AM

2024-2025

Enrollment by Teacher and Grade

Page 1

Teacher	----- TK -----			----- K -----			----- 1 -----			----- ALL -----		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total
047 Ginn D	-	-	-	-	-	-	14	7	21	14	7	21
171 Golden E	-	-	-	14	10	24	-	-	-	14	10	24
055 Johnston A	10	13	23	-	-	-	-	-	-	10	13	23
183 Sonntag S	-	-	-	1	1	2	-	-	-	1	1	2
School Total:	10	13	23	15	11	26	14	7	21	39	31	70

* Class total is calculated including Nonbinary gender students



9. B. Discussion re: West Sonoma County Consortium



9. C. Board Member Development



9. D. 2024-25 Draft Budget Update

Quick Summary / Abstract

2024-25 Draft Budget Update from CBO Stacy Kalember



9. E. Employee resignation

Quick Summary / Abstract

Resignation of employee Michele Hazlewood as of October 31, 2024.



10. Action Items



10. A. Consideration Annual Developer Fees Report for 2023-24

Recommendation

That the board accept the Annual Developer Fees Report 2023-24

Summary

This report is required by Government Code Section 66006, and is due prior to the end of the year.

Supporting Documents



 2023-24 Annual Developer's Fees Report

10. B. Policy Updates and New Policy- Second Reading and Adoption












Recommendation

That the Board adopt new policy and updates attached.















Supporting Documents

-  ViewMemberCommAttachment.aspx (4)
-  ViewMemberCommAttachment.aspx-compressed

Policies

-  [DRAFT] Policy 0460: Local Control And Accountability Plan
-  [DRAFT] Regulation 0460: Local Control And Accountability Plan
-  [DRAFT] Policy 0500: Accountability
-  [DRAFT] Policy 0520: Intervention In Underperforming Schools
-  [DRAFT] Policy 1160: Political Processes
-  [DRAFT] Regulation 1220: Citizen Advisory Committees
-  [DRAFT] Policy 1313.01: ^Civility Policy
-  [DRAFT] Policy 1330: Use Of School Facilities
-  [DRAFT] Regulation 1330: Use Of School Facilities
-  [DRAFT] Policy 1431: Waivers
-  [DRAFT] Regulation 3311: Bids

-  [DRAFT] Regulation 3311.3: Design-Build Contracts
-  [DRAFT] Policy 3312: Contracts
-  [DRAFT] Policy 3400: Management Of District Assets/Accounts
-  [DRAFT] Regulation 3400: Management Of District Assets/Accounts
-  [DRAFT] Policy 3460: Financial Reports And Accountability
-  [DRAFT] Policy 3551: Food Service Operations/Cafeteria Fund
-  [DRAFT] Regulation 3551: Food Service Operations/Cafeteria Fund
-  [DRAFT] Policy 4151: Employee Compensation
-  [DRAFT] Regulation 4217.3: Layoff/Rehire
-  [DRAFT] Policy 4251: Employee Compensation
-  [DRAFT] Policy 4351: Employee Compensation
-  [DRAFT] Policy 5116.2: Involuntary Student Transfers
-  [DRAFT] Policy 5131.2: Bullying
-  [DRAFT] Regulation 5131.2: Bullying
-  [DRAFT] Policy 5131.9: Academic Honesty
-  [DRAFT] Regulation 5141.21: Administering Medication And Monitoring Health Conditions
-  [DRAFT] Policy 5148.3: Preschool/Early Childhood Education
-  [DRAFT] Regulation 5148.3: Preschool/Early Childhood Education

-  [DRAFT] Policy 6142.8: Comprehensive Health Education
-  [DRAFT] Regulation 6142.8: Comprehensive Health Education
-  [DRAFT] Policy 6146.1: High School Graduation Requirements
-  [DRAFT] Policy 6146.4: Differential Graduation And Competency Standards For Students With Dis..
-  [DRAFT] Policy 6154: Homework/Makeup Work
-  [DRAFT] Policy 6162.5: Student Assessment
-  [DRAFT] Policy 6170.1: Transitional Kindergarten
-  [DRAFT] Regulation 6173.3: Education For Juvenile Court School Students
-  [DRAFT] Regulation 7140: Architectural And Engineering Services
-  Bylaw 9122: Secretary
-  [DRAFT] Bylaw 9124: Attorney
-  [DRAFT] Bylaw 9321: Closed Session
-  [DRAFT] Exhibit 9321-E(1): Closed Session
-  [DRAFT] Exhibit 9321-E(2): Closed Session
-  Bylaw 9322: Agenda/Meeting Materials

CSBA POLICY GUIDE SHEET September 2023

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

Board Policy 1160 – Political Processes

Policy updated to reflect **NEW LAW (AB 1416, 2022)** which requires the ballot label or similar description of a school district (or other local government) measure on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as Governing Board members, who have signed the ballot argument or are listed in the text of the argument in support or opposition of the measure unless the county board of supervisors elects not to list such supporters and opponents.

Board Policy 1330 – Use of School Facilities

Policy updated to caution districts when charging religious groups direct costs for use of district facilities when those costs are not charged to other groups due to the potential conflict between a U.S. Supreme Court decision and state law. Policy also updated to add that the Governing Board may authorize the use of a school building as a vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pickup of election materials, as determined by the election official.

Administrative Regulation 1330 – Use of School Facilities

Regulation updated to encourage districts to create a facilities use application and agreement for the use of school facilities and grounds by any entity other than the district, add that anyone applying to use school facilities do so as specified in district procedures and in accordance with law, and reflect **NEW LAW (AB 2028, 2022)** which authorizes the Governing Board to allow district facilities to be used by local law enforcement, public agencies, nonprofit associations, or organizations for bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students.

Delete - Exhibit(1) 1330 – Use of School Facilities

Exhibit deleted as unnecessary with relevant material included in administrative regulation 1330 – Use of School Facilities.

Administrative Regulation 3311 - Bids

Regulation updated to reference the bid limit for 2023, add that for lease-leaseback, design-build, and alternative design-build projects the notice which solicits the call for bids is required to specify that the project is subject to skilled and trained workforce requirements, and reflect **NEW LAW (AB 185, 2022)** which adds, until January 1, 2029, the alternative design-build construction delivery method for projects in excess of \$5,000,000. Regulation also updated to reflect the State Allocation Board's (SAB) notification to districts which provides that modular school facilities must be competitively bid and that districts that use piggyback contracts for modular facilities are ineligible for state funding from SAC administered programs.

Administrative Regulation 3311.3 – Design-Build Contracts

Regulation updated to add that, until January 1, 2025, design-build contracts may be entered into and approved by the Governing Board. Regulation also updated to reflect **NEW LAW (AB 185, 2022)** which (1) adds, until January 1, 2029, the alternative design-build construction delivery method for projects in excess of \$5,000,000, (2) specifies that alternative design-build contracts may be awarded to the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price, technical design and construction expertise, and life-cycle costs, (3) provides that the district's determination of price shall be based on the open book evaluation of construction subcontracts, (4) includes that the contract may be subject to further negotiations or amendment and may be terminated by the district if the district and the design-build entity are unable to reach an agreement, and (5) requires an alternative design-build proposal for an alternative design-build project to include (a) design cost,

general conditions, overhead, and profit as a component of the project price, unless a stipulated sum for the project is specified, (b) technical design and construction expertise, and (c) life-cycle costs over 15 or more years.

Board Policy 3312 - Contracts

Policy updated to reflect **NEW LAW (SB 1439, 2022)** related to conflict of interest from campaign contributions and **NEW LAW (SB 34, 2022)** related to bribery of a public official, and include a general statement requiring Governing Board members and district employees who are involved in the making of contracts on behalf of the district to comply with the district's conflict of interest policy.

Board Policy 3460 – Financial Reports and Accountability

Policy updated to add material related to districts facing insolvency who are considering applying for an emergency apportionment, including that the Governing Board is required to discuss the need for an emergency apportionment at a regular or special meeting at which parents/guardians, the exclusive representatives of employees of the district, and other members of the community have the opportunity to provide testimony.

Board Policy 3551 – Food Service Operations/Cafeteria Fund

Policy updated to reflect **NEW LAW (SB 490, 2022)** which requires districts participating in the National School Lunch and/or Breakfast Program, with annual reimbursement of \$1,000,000 or more, to (1) specify in the solicitation for bids and contracts for an agricultural food product that only the purchase of agricultural food products grown, packed, or processed domestically is authorized, unless a specific exception applies, including if the quality of the domestic product is inferior to the quality of the nondomestic product or if the bid or price of the nondomestic product is more than 25 percent lower than the bid or price of the domestic product, and (2) retain documentation justifying the use of the exception for three years from the date of purchase. Policy also updated to reflect **NEW LAW (AB 778, 2022)** which requires a district to accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, when certain conditions are met.

Administrative Regulation 3551 – Food Service Operations/Cafeteria Fund

Regulation updated to include the requirement for a district with an on-site food facility to arrange to recover the maximum amount of edible food that would otherwise be disposed of and donate it to a local food recovery organization, and maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the district's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the district, and a copy of contracts or written agreements between the district and food recovery services or organizations. Regulation also updated to reflect California Department of Education Nutrition Services Division Management Bulletin SNP-04-2022 which raises the excess net cash resources limitation to six months' average expenditures.

Board Policy 4151/4251/4351 – Employee Compensation

Policy updated to add that for districts participating in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments, and reflect **NEW LAW (AB 185, 2022)** which adds specific repayment procedures when a district has made a wage overpayment to a district employee.

Administrative Regulation 4217.3 – Layoff/Rehire

Regulation updated to reflect **NEW LAW (SB 913, 2022)** which provides that for districts with an average daily attendance of less than 250,000, the definition of "length of service" for the purpose of the order of layoff and determination of seniority is the employees' hours in paid status. Regulation also updated to reflect **NEW LAW (AB 185, 2022)** which authorizes a classified employee to be represented by an attorney or nonattorney representative of the exclusive representative of the district's classified employees at a hearing requested by an employee as part of layoff proceedings.

Board Policy 5131.9 – Academic Honesty

Policy updated to address prohibited and permitted student use of technology, including artificial intelligence, as it relates to academic honesty. Policy also updated to include that a student with a disability be permitted to use technology for any purpose for which technology is identified in the student’s individualized education program, that a student be given the opportunity to demonstrate that the use of technology was in accordance with policy when suspected by an employee that such use was in violation of academic honesty, and that any information acquired from an employee’s use of technology in determining whether a student has committed and act of academic dishonesty be shared with the student and the student’s parent/guardian, as appropriate. Additionally, policy updated to authorize the provision of staff training regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

Board Policy 6154 – Homework/Makeup Work

Policy updated to add that meaningful homework can provide enrichment, address student use of technology, including artificial intelligence, as it relates to homework and makeup work, provide that teacher training may include designing homework assignments that inspire students’ interests, include that students may work with other students and use approved outside resources as directed by the teacher, and move material related to notifying the student’s parents/guardians when a student repeatedly fails to complete homework so that it follows chronologically.

Board Policy 6162.5 – Student Assessment

Policy updated to reflect that prohibited and permitted student use of technology, including artificial intelligence, in relation to assessment, be as specified in Board Policy 5131.9 – Academic Honesty and Board Policy 6163.4 – Student Use of Technology, reference **NEW LAW (AB 114, 2023)** which includes long term English learners as a numerically significant student subgroup for purposes of demonstrating comparable improvement in academic achievement by all numerically significant subgroups, include that state interim and formative assessments may be used to communicate with students’ parents/guardians and for use in identifying professional development, and that results of an individual student on the California Assessment of Student Performance and Progress may be released to a postsecondary educational institution for the purpose of credit, placement, or admission.

Administrative Regulation 7140 – Architectural and Engineering Services

Regulation updated to more closely align with law and to reflect **NEW LAW (AB 185, 2022)** which enables a district to enter into an alternative design-build contract with a single entity for both design and construction of any school facility if the contract is in excess of \$5,000,000.

Board Bylaw 9124 – Attorney

Bylaw updated to revise the first philosophical paragraph to recognize the need to provide legal representation to the district and the importance of cost-effective legal advice and services, clarify that the Governing Board may appoint and fix and order paid legal counsel’s compensation, expand the types of entities that the Board may contract with to serve as legal counsel, and reflect that the Board supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate. Bylaw also updated to clarify that districts may, but are not required, to initiate a Request for Proposals to advertise and solicit proposals for legal services, and that districts may consider the attorney’s, firm’s, and/or entity’s relevant legal reputation when evaluating such attorneys, firms, and/or entities. Additionally, bylaw updated to reflect that any attorney representing the district is required to be admitted to practice law in California.

CSBA Policy Management Console
CSBA Sample District Policy Manual

Policy 1160: Political Processes

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following optional policy addresses political activities conducted by members of the Governing Board or district staff acting on behalf of the district. It does not apply to individuals acting as private citizens on their own time and at their own expense. When acting as private citizens, individuals have broad rights under the First Amendment to engage in political activities, including taking positions on electoral measures and candidates and establishing and participating in political action committees.

Education Code 7055 authorizes the district to establish reasonable regulations related to employees engaging in political activity. See BP/AR 4119.25/4219.25/4319.25 - Political Activities of Employees for language implementing this statute as well as language regarding activities by employee organizations.

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

Ballot Measures/Candidates

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

CSBA NOTE: Whether an activity is an appropriate use of public funds or an impermissible campaign activity is a complicated analysis. In *Vargas v. City of Salinas*, the California Supreme Court created three categories of activities: (1) permissible informational activities, such as resolutions and providing objective analysis; (2) impermissible campaign activities, such as producing or distributing literature that urges a voter to act a certain way; or (3) unclear activities which do not fall into either group and must be analyzed looking at the "style, tenor, and timing" of the activity. The following two paragraphs reflect the court's analysis of permissible activities. CSBA's District and County Office of Education Legal Services or district legal counsel should be consulted when there is a question as to whether an activity is permissible.

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

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

CSBA NOTE: Elections Code 9170, as added by AB 1416 (Ch. 751, Statutes of 2022), requires the ballot label or similar description of a school district measure, or other local government measure, on a county ballot to list, either as a supporter or an opponent of the measure, the associations, nonprofit organizations, businesses, or individuals, including current or former elected officials such as board members, who have signed the ballot argument or are listed in the text of the argument for or against the measure, unless the county board of supervisors elects not to list such supporters and opponents.

Individual School Board members may include their name in support of or opposition to a county, city, district, or school measure on a county ballot in accordance with Elections Code 9170.

CSBA NOTE: When it is unclear whether a campaign activity is permissible, the court will analyze the activity based on its "style, tenor and timing" to determine whether it involves an appropriate expenditure of public funds. Examples of things that a court might look for include how the material was distributed (i.e., special edition or regular publication), the language used in the publication (i.e., inflammatory or informational), and whether the distribution was consistent with regular district practice (i.e., regular circulation or special mailing). Districts should be cautious and ensure that any such informational material is an appropriate use of district funds.

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

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

CSBA NOTE: In *Vargas v. City of Salinas*, the court offered examples of activities which would be impermissible campaign activities, as reflected in the following paragraph. In addition, 2 CCR 18901.1 prohibits the use of public funds for a newsletter or "mass mailing" which expressly advocates the election or defeat of a ballot measure or candidate or, when taken in context, urges a particular result. Because violation of this regulation could result in enforcement action by the Fair Political Practices Commission (FPPC), districts should proceed with caution and consult with CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate.

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

CSBA NOTE: Both the courts (*Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments*) and the Attorney General (88 Ops.Cal.Atty.Gen. 46 (2005)) have provided guidance as to the appropriate use of district funds when the district is preparing to submit a bond proposal to the voters for approval. The key distinction is whether the action is taken before or after the measure has been placed on the ballot and whether the activity is directed at swaying voters. Permissible expenditures include researching the need for the measure, formulating and drafting the proposal, and conducting polling and focus groups to assess the feasibility of the measure. Impermissible activities include recruiting and organizing supporters for a campaign, raising funds for the campaign, or hiring a consultant to develop a strategy for building support for the measure.

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

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

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

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

Legislation

CSBA NOTE: Pursuant to Government Code 53060.5, the district may engage in legislative activities and lobbying, either directly or through a representative, and the cost of this activity is an appropriate use of district funds. Lobbying activities are regulated by the FPPC (2 CCR 18600-18640) and governed by the Political Reform Act (Government Code 81000-91015).

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

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

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

CSBA NOTE: Although the district has the authority to lobby the legislature, it cannot use district resources to urge the public to lobby the legislature on its behalf. In *Miller v. Miller* the court concluded that urging the public was

impermissible election campaigning because the activity was directed to the public and not the legislature.

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

CSBA NOTE: An appellate court held in *League of Women Voters v. Countywide Criminal Justice Coordination Committee* that the drafting of legislative proposals was a permissible use of public funds since it was more similar to the exercise of a local agency's governing authority than a campaign activity.

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

Legal Advocacy

CSBA NOTE: When an issue requires resolution in the courts rather than through legislation, it is permissible for districts to use public funds to initiate or participate in legal advocacy. Toward these ends, districts may choose to join with other districts in a group, such as CSBA's Education Legal Alliance which funds and supports litigation in cases of statewide significance to its members.

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

Political Forums

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 18600-18640	Lobbyists - https://simbli.eboardsolutions.com/SU/EslshK5xMWM1lebnL4su0sMvA==
2 CCR 18901.1	Campaign related mailings sent at public expense - https://simbli.eboardsolutions.com/SU/RAW1BilSYaSu54mCUAzRMQ==
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35172	Promotional activities - https://simbli.eboardsolutions.com/SU/mVfx6wBztjEsmgOccplusEJNQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Ed. Code 7054	Use of district property - https://simbli.eboardsolutions.com/SU/zsQbGD629AZeslshbpluserHcegA==
Ed. Code 7054.1	Requested appearance - https://simbli.eboardsolutions.com/SU/Aj68x9ZUmPid2oqLqp92mg==
Ed. Code 7056	Soliciting or receiving political funds - https://simbli.eboardsolutions.com/SU/Dgd5hd1rGngWjtEZXNbEtA==
Elec. Code 9170	Ballot label; support and opposition listings - https://simbli.eboardsolutions.com/SU/QtOGQ31oBO2FFEYSN8zb5dw==
Elec. Code 9501	School district elections; arguments for or against a measure - https://simbli.eboardsolutions.com/SU/nlgWApEAqXTrLbmlWAAV8w==
Gov. Code 53060.5	Attendance at legislative body; expenses - https://simbli.eboardsolutions.com/SU/Y8slshOA9fuwkYIMvvagUVew==
Gov. Code 54953.5	Audio or video recording of proceedings - https://simbli.eboardsolutions.com/SU/pglHf3CJute3LspDNfifwA==

Gov. Code 54953.6	Broadcasts of proceedings - https://simbli.eboardsolutions.com/SU/VAvd4eXAMI6WSOnhCnKLWA==
Gov. Code 81000-91014	Political Reform Act - https://simbli.eboardsolutions.com/SU/YoRIO7U1CVMHSIRIJD6Piw==
Gov. Code 82031	Definition of independent expenditure - https://simbli.eboardsolutions.com/SU/SmslshpAAJBrvGeoUrN24p15A==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==

Management Resources References

	Description
Attorney General Opinion	73 Ops.Cal.Atty.Gen. 255 (1990)
Attorney General Opinion	88 Ops.Cal.Atty.Gen. 46 (2005)
Court Decision	Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415
Court Decision	League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529
Court Decision	Miller v. Miller, (1978) 87 Cal.App.3d 762
Court Decision	Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229
Court Decision	Stanson v. Mott, (1976) 17 Cal. 3d 206
Court Decision	Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Court Decision	Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
CSBA Publication	Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011 - https://simbli.eboardsolutions.com/SU/VoslshjslshS5kMzi7oWci5W50fQ==
CSBA Publication	Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
Institute for Local Government Publication	Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqoPtfmA==
Website	Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/C2dGDtcJnwlshMnGhy8JJcbw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0000	Vision - https://simbli.eboardsolutions.com/SU/KljZfslsh88rWzvlh7AJ98iog==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApxGvO9isl1lyD8g==
1000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/m4slshfz41M67B2WioVnFzUDg==
1112	Media Relations - https://simbli.eboardsolutions.com/SU/slhlpe1iHlslshJABaNkEITAw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAjTkQSg==

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/YtBA8uF52gw7Rt7jgUy3sA==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/hmhYeyr0oomt8s9DCK1sPA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCtUNwljEfGnHx4CA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==
7131	Relations With Local Agencies - https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdILsldslshg==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZItK9cK5rUw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9010	Public Statements - https://simbli.eboardsolutions.com/SU/plus5IM7gkvrpU0KJrYplustslshUxA==
9124	Attorney - https://simbli.eboardsolutions.com/SU/cyJJplusCCCh2AEypzeA9Q2Q==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/9D6eWnslshmj4aK9zGITm6Ow==
9230	Orientation - https://simbli.eboardsolutions.com/SU/zPgBfoLQTIvGXFVmx3IPVA==
9250	Remuneration, Reimbursement And Other Benefits - https://simbli.eboardsolutions.com/SU/PmvDoJtddAmuSJGBpS5tZA==
9250-E(1)	Remuneration, Reimbursement And Other Benefits - https://simbli.eboardsolutions.com/SU/kquNMltaaw79frS4Lzh5ng==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5szudQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==

Policy 1330: Use Of School Facilities

Status: ADOPTED

Original Adopted Date: 04/01/2013 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Education Code 38133 mandates the Governing Board to develop rules and regulations related to the management, direction, and control of school facilities. Pursuant to Education Code 38130-38138 (the Civic Center Act), school facilities are civic centers and, under certain circumstances, members of the school community must be allowed to use them for specified purposes. In granting access for the use of school facilities to district residents and community groups, the Board must be careful to avoid discriminating against certain individuals, groups, or viewpoints and thereby violating constitutional requirements, including free speech rights. In *Good News Club v. Milford Central School*, the U.S. Supreme Court held that the school district violated the club's free speech rights when it denied the club's use of school facilities for after-school meetings because of the religious nature of the meetings.

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

CSBA NOTE: Pursuant to Education Code 38133, the Board is mandated to develop rules and regulations which must include the items specified below for the management, direction, and control of school facilities.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, including the designation of a person to supervise this task, if necessary
3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of schoolwork

CSBA NOTE: The following paragraph is optional and may be modified to reflect district practice.

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

There shall be no advertising on school facilities and grounds except as specified in Board Policy 1325 - Advertising and Promotion.

CSBA NOTE: The following optional paragraph may be modified to reflect district practice. A district may enter into an agreement with another entity for the joint use of school facilities or grounds. For considerations to guide the development of such an agreement, see BP 1330.1 - Joint Use Agreements.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

Fees

CSBA NOTE: Education Code 38134 authorizes districts to charge an amount "not to exceed" direct costs for the use of school facilities or grounds by community groups and entities. 5 CCR 14037-14041 contain specific rules adopted by the State Board of Education for determining "direct costs" to be charged for use of school facilities and grounds. See the section "Calculating Direct Costs" below. If the district chooses to charge fees, 5 CCR 14041 requires the Board to adopt a fee schedule that specifies the hourly fee to be charged by the district either for specific school facilities and grounds or for types or categories of school facilities or grounds (e.g., all gymnasiums or playgrounds).

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR

CSBA NOTE: Education Code 38134 mandates each district that chooses to charge the community a fee for the use of school facilities to adopt a policy specifying the activities and organizations that shall be subjected to the fees.

The options below provide suggestions on how districts that choose to charge fees may categorize activities and organizations for that purpose. Option 1 is for use by districts that choose to charge an amount "not to exceed" direct costs to all community groups. Option 2 is for use by districts that choose to grant free use to nonprofit organizations and to groups organized to promote youth and school activities but charge other groups an amount "not to exceed" direct costs. Option 3 is for use by districts that grant free use to school-related organizations only.

Regardless of the option chosen, there is an exception for the use of school facilities and grounds for religious services, as noted below.

OPTION 1: (Amount not to exceed direct costs to all community groups)

The Board believes that the use of school facilities or grounds should not result in an expense to the district. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

OPTION 1 ENDS HERE

OPTION 2: (No charge to nonprofit organizations and youth and school-oriented groups)

CSBA NOTE: This option reflects the common practice among districts to allow free use of school facilities by nonprofit organizations and clubs and associations that promote youth and school activities pursuant to Education Code 38134. Districts that wish to allow free use by some groups but charge other groups should proceed cautiously and ensure that such free use or discount is granted on a reasonable and nondiscriminatory basis. It is strongly recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel before deciding which groups will or will not be charged and, based upon legal counsel's advice, decide whether it would be appropriate to specifically name in the district's policy the community groups that will or will not be charged.

The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that charge participants no more than an average of \$60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

OPTION 2 ENDS HERE

OPTION 3: (No charge to school-related organizations)

The Board authorizes the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041.

OPTION 3 ENDS HERE

CSBA NOTE: The remainder of this section is for use by all districts regardless of the option chosen above.

Pursuant to Education Code 38134, a district must charge "at least" direct costs to any group using school facilities for religious services even if the district selects Option 2 or Option 3 above and does not charge other groups. However, this may conflict with the U.S. Supreme Court's ruling in *Good News Club v. Milford Central School*, which held that a district's refusal to let a Christian club hold after-school meetings because of its religious nature, while permitting other secular character-building clubs to meet, constituted impermissible viewpoint discrimination under the First Amendment. Due to the potential conflict between this case and state law, districts should take caution in selecting Option 2 or Option 3 above or adopting a policy that charges religious groups direct costs when those costs are not charged to other groups. Districts are advised to consult with CSBA's District and County Office of Education Legal Services or district legal counsel with questions about charging religious groups for use of district facilities.

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount

at least equal to the district's direct costs. (Education Code 38134)

CSBA NOTE: Education Code 38134 requires the district to charge fair rental value when facilities are used for fundraising activities which are not beneficial to youth, public school activities, or charitable purposes, under the conditions specified below. "Fair rental value" is defined as direct costs plus the amortized costs of the school facilities or grounds used for the duration of the activity.

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds
2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

CSBA NOTE: The following optional paragraph applies to districts that choose to discount direct cost fees based on the type or category of the applicant, such as to groups with tax-exempt status as authorized pursuant to 5 CCR 14041.

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Use of School Facility as Polling Place

CSBA NOTE: Pursuant to Elections Code 12283, an elections official requesting the use of a school building as a polling place or vote center must include in the request a list of the schools needed. Such requests must be made within sufficient time before the start of the school year so that the Board can determine and notify parents/guardians whether (1) the school will remain in session on those days, (2) the school day will be designated for staff training and development, or (3) the school will be closed to students and nonclassified employees. See BP 6111 - School Calendar.

The Board may authorize the use of school buildings as polling places, or vote centers for election day. The Board may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as a polling place or vote center. (Elections Code 12283)

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

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place or vote center.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 14037-14042
 Bus. Code 25608
 Ed. Code 10900-10914.5
 Ed. Code 32280-32289.5
 Ed. Code 37220
 Ed. Code 38130-38138
 Ed. Code 51860
 Elec. Code 12283
 Gov. Code 54950-54963
 M&V Code 1800

Description

Proportionate direct costs for use of school facilities and grounds
 Alcohol on school property; use in connection with instruction - <https://simbli.eboardsolutions.com/SU/FNTmwCbl5wapMSIUJRgAkW==>
 Community recreation programs - <https://simbli.eboardsolutions.com/SU/2plusoOINP9plus8k2kxekeluvFw==>
 School safety plans - <https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==>
 School holidays - <https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==>
 Civic Center Act; use of school property for public purposes - <https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==>
 Time and facilities for bicycle and scooter safety instruction - <https://simbli.eboardsolutions.com/SU/iZlvtDgz8RsMNJogh8kslshHw==>
 Polling places: schools - <https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJjMrQjswg==>
 The Ralph M. Brown Act - <https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==>
 Definitions - <https://simbli.eboardsolutions.com/SU/8cMAXVI6pluslXqzoklcrAUTw==>

Federal References

20 USC 7905
 40 CFR 141.1-141.723

Description

Equal access to public school facilities
 Drinking water standards

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision

Description

79 Ops.Cal.Atty.Gen. 248 (1996)
 82 Ops.Cal.Atty.Gen. 90 (1999)
 Ellis v. Board of Education, (1945) 27 Cal.2d 322
 Good News Club v. Milford Central School, (2001) 533 U.S. 98
 Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
 ACLU v. Board of Education of Los Angeles, (1961) 55 Cal. 2d 167
 Cole v. Richardson, (1972) 405 U.S. 676
 Connell v. Higgenbotham, (1971) 403 U.S. 207
 Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009 - <https://simbli.eboardsolutions.com/SU/XdN3WVUUJfcdWXIPIQ118A==>
 Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010 - <https://simbli.eboardsolutions.com/SU/yKK9jYHskM7slshWodVvurslshCQ==>
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsLshXk6R5akQ==>
 California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA Publication
 CSBA Publication
 Website
 Website

Website CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

Description

- 0410 Nondiscrimination In District Programs And Activities - <https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>
- 0450 Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==>
- 0450 Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==>
- 0470 COVID-19 Mitigation Plan - <https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==>
- 1000 Concepts And Roles - <https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==>
- 1160 Political Processes - <https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHyslshkrPnmxrg==>
- 1230 School-Connected Organizations - <https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrInJ5rXb5g==>
- 1230 School-Connected Organizations - <https://simbli.eboardsolutions.com/SU/sDXhJFa6OFkhNJlen5SDKw==>
- 1325 Advertising And Promotion - <https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==>
- 1330.1 Joint Use Agreements - <https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==>
- 1400 Relations Between Other Governmental Agencies And The Schools - <https://simbli.eboardsolutions.com/SU/vJHizKctUNwljEfGnHx4CA==>
- 3280 Sale Or Lease Of District-Owned Real Property - <https://simbli.eboardsolutions.com/SU/nl52FBYBISbzNGRG8CrhkQ==>
- 3280 Sale Or Lease Of District-Owned Real Property - <https://simbli.eboardsolutions.com/SU/dHavl4DJJ4VVaplus02n5bFkg==>
- 3513.3 Tobacco-Free Schools - <https://simbli.eboardsolutions.com/SU/YcXDckQsxpNclpvl3ATIA==>
- 3513.3 Tobacco-Free Schools - <https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==>
- 3513.4 Drug And Alcohol Free Schools - <https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==>
- 3515.2 Disruptions - <https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJS1yRxxg==>
- 3515.2 Disruptions - <https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==>
- 3515.21 Unmanned Aircraft Systems (Drones) - <https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==>
- 3516 Emergencies And Disaster Preparedness Plan - <https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==>
- 3516 Emergencies And Disaster Preparedness Plan - <https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==>
- 3530 Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/PCbwsllshUQxLVplusmkc9Vslsh0GqfQ==>
- 3530 Risk Management/Insurance - <https://simbli.eboardsolutions.com/SU/IFY23eyj7gVURhZVxo1DXw==>

4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQsqTDILbw==
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4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLIxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/6TzInJWYUNhxpc9er0OvSw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/bVySg0grlwmslshAxbVduBflg==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7foslshVVCuCn7ASBE4vKg==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/plusslsh1w9wNjgSxojasMdRRAOg==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMoslshZA==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/unNPBEGd8slshu5k7K9nWx36g==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/ei3fXve4QZVzBxJCMXdFTg==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/XSgOkVwslsh6n1VgSVdoheJvg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGkzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/pluswnTUYQetRZUFczZuTcFrA==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlqg==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGblR3x1KA==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Wllp67WIoJxMnAZ5sziodQ==

Regulation 1330: Use Of School Facilities

Status: ADOPTED

Original Adopted Date: 07/01/2018 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following administrative regulation is mandated for the management, direction, and control of school facilities, pursuant to Education Code 38133.

Application for Use of Facilities

CSBA NOTE: Districts are encouraged to consult with CSBA's District and County Office of Education Legal Services or district legal counsel to create a facilities use application and agreement for the use of school facilities and grounds by any entity other than the district.

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

CSBA NOTE: The California Supreme Court has determined that the requirements of Education Code 38135 and 38136 are unconstitutional (ACLU v. Board of Education of City of Los Angeles). Although these provisions have not been repealed, districts are advised not to require any oath affirming that the group does not intend to take actions leading to the overthrow of the government.

Other types of oaths have been held constitutionally acceptable. The California Supreme Court upheld the use of an oath that the individual or group does not intend to use school premises to commit unlawful acts (ACLU v. Board of Education), and the U.S. Supreme Court has upheld affirmative loyalty oaths for public employees, expressing a promise to support the federal and state constitutions (Connell v. Higgenbotham; Cole v. Richardson). The following paragraph is optional.

Anyone applying to use school facilities shall do so as specified in district procedures and in accordance with law.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131, 51860)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest

CSBA NOTE: The Attorney General opined in 79 Ops.Cal.Atty.Gen. 248 (1996) that the section of Education Code 38131 which provides that a board may grant the use of school facilities to a religious group to conduct services only when the religious group has no other suitable meeting place is unconstitutional. Although Attorney General opinions do not carry the force of law, they are given deference by the courts in the case of legal challenge. Therefore, a district should consult CSBA's District and County Office of Education Legal Services or district legal counsel before requiring a religious organization to establish that it lacks another suitable meeting place for the conduct of its services in order to rent school facilities. In that same opinion, the Attorney General also determined that Education Code 38131 does not limit the renewability of the temporary use permit for school facilities by a religious organization. Thus, legal counsel should also be consulted before a district refuses to renew a temporary permit. Item #3 below is consistent with the Attorney General's interpretation of Education Code 38131.

3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities for youth that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center

CSBA NOTE: Pursuant to Education Code 32282, procedures to allow school facilities to be used by public agencies, such as the Red Cross, for mass care and welfare shelters during an emergency must be included in the comprehensive school safety plan. See AR 0450 - Comprehensive Safety Plan.

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

CSBA NOTE: To enable the district to provide students safety instruction related to using electric, motorized, or nonmotorized bicycles and scooters, Education Code 51860, as amended by AB 2028 (Ch. 116, Statutes of 2022), authorizes the Governing Board to assist local law enforcement, nonprofit associations or organizations specified in Education Code 38134, such as the Girls Scouts, Boys Scouts, and parent-teacher associations, and public agencies that provide such safety instruction, in providing safety instruction to district students.

10. Bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students by local law enforcement, public agencies, nonprofit associations, or organizations specified in Education Code 38134

CSBA NOTE: Education Code 38131 allows the district to grant use of school facilities for other purposes as deemed appropriate. The district may add any other purposes approved by the Board and not inconsistent with existing law.

11. Other purposes deemed appropriate by the Governing Board

Restrictions

CSBA NOTE: In adopting rules for the management and control of school facilities, districts must be careful to ensure that they do not impose restrictions that may violate constitutionally protected rights. Generally, court decisions have held that districts may not discriminate on the basis of a group's viewpoint, and thus the use of facilities should be granted on a neutral basis. In *Good News Club v. Milford Central School*, the U.S. Supreme Court held that a district which prohibited a religious club from using school facilities after school hours for activities for which it allowed other community groups to use the school facilities discriminated against the club on the basis of the club's religious viewpoint in violation of the First Amendment to the United States Constitution.

Because federal and state constitutional free speech issues may be involved when a district denies the use of school facilities to certain groups, it is strongly recommended that a district consult with CSBA's District and County Office of Education Legal Services or district legal counsel before doing so.

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco

CSBA NOTE: Pursuant to Business and Professions Code 25608, it is a misdemeanor to possess, consume, sell, give, or deliver any alcoholic beverage to any person in a school building or on school grounds unless a specified exception applies. One such exception is serving alcohol during a special event, pursuant to a license or permit obtained under the Alcohol Beverage Control Act, at district-owned facilities at a time when students are not present. For this purpose, "facilities" include, but are not limited to, office complexes, conference centers, or retreat facilities. Although Business and Professions Code 25608 allows this exception, the district should consult CSBA's District and County Office of Education Legal Services, district legal counsel, and/or risk management personnel when determining whether to allow alcohol on district property pursuant to this exception. When a district allows the use of its facilities or grounds for events that may involve the serving or consumption of alcoholic beverages, it is recommended that rules and/or

limitations be established to minimize risks to the district and attendees at such events (e.g., requiring security guards and/or additional insurance, limiting the presence of alcoholic beverages to designated areas, limiting the types of beverages and/or how many drinks can be served at a time, specifying the time period during which alcoholic beverages may be served). Item #4 is optional and may be deleted or revised to reflect any limitations imposed on the facility user.

4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

CSBA NOTE: Districts may exclude certain facilities from community use for safety or security reasons. Such facilities might include (1) offices or computer rooms containing records and confidential information and (2) science rooms and other rooms containing hazardous chemicals or equipment that cannot be used safely without special knowledge or skills. The following paragraph is optional and may be revised to specify excluded facilities.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

CSBA NOTE: Pursuant to Education Code 38134, a district is authorized to take the actions specified in the following optional paragraph when damage to school facilities or grounds occurs from use by a nonprofit group, organization, club, or association that promotes youth and school activities.

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

CSBA NOTE: Education Code 38134 distinguishes the liability and insurance obligations of nonprofit groups, clubs, and associations that promote youth and school activities from those of the district. The district is liable for any injuries resulting from its negligence in the ownership and maintenance of its facilities and grounds and must bear the cost of insuring against these risks and defending itself from related claims.

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

CSBA NOTE: Pursuant to Education Code 38134, groups that promote youth and school activities cannot be required to sign hold harmless and indemnification agreements agreeing to defend and indemnify the district against liability arising during the group's use of school facilities to the extent that the agreement requires the group to assume liability for the district's negligence. The statute is unclear as to whether the district can require non-youth-related groups to indemnify the district from any and all injuries resulting from the use of the facilities. Districts wishing to create such an agreement should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Because hold harmless agreements are only as strong as the groups' credit, districts should generally require proof of insurance in addition to such agreements. When a hold harmless and indemnification agreement appears necessary for any specific school facilities or a specific event, the district's risk manager, insurance carrier, or legal counsel should tailor it to the situation.

When permitted by law, the Superintendent or designee shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 14037-14042

Description

Proportionate direct costs for use of school facilities and grounds

Bus. Code 25608	Alcohol on school property; use in connection with instruction - https://simbli.eboardsolutions.com/SU/FNTmwCbl5wapMSIUJRgAkW==
Ed. Code 10900-10914.5	Community recreation programs - https://simbli.eboardsolutions.com/SU/2plusoOINP9plus8k2kxekeluvFw==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 37220	School holidays - https://simbli.eboardsolutions.com/SU/plusB5QsDGvKOO1slshAvenu11TQ==
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes - https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==
Ed. Code 51860	Time and facilities for bicycle and scooter safety instruction - https://simbli.eboardsolutions.com/SU/iZlvtDgz8RsMNJogh8kslshHw==
Elec. Code 12283	Polling places: schools - https://simbli.eboardsolutions.com/SU/7mGanslshLrPOn4XJMrQjswg==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
M&V Code 1800	Definitions - https://simbli.eboardsolutions.com/SU/8cMAXVI6pluslXqzoklcrAUTw==

Federal References

20 USC 7905	Equal access to public school facilities
40 CFR 141.1-141.723	Drinking water standards

Description

Management Resources References

Attorney General Opinion	79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 90 (1999)
Court Decision	Ellis v. Board of Education, (1945) 27 Cal.2d 322
Court Decision	Good News Club v. Milford Central School, (2001) 533 U.S. 98
Court Decision	Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
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Description

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
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Description

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/Q7gil8GDAxZA23W9BEbNBw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/rdIFkXtkL04nPQ7EChV5kQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==
1000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/YjtHEG1lwtm6LQZTYplusn4rA==
1160	Political Processes - https://simbli.eboardsolutions.com/SU/x14LtT7Yr7IHyslshkrPnmxrg==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrINJ5rXb5g==
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1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/ICknfKG9C2OPUHECZeBFuw==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCtUNwljEfGnHx4CA==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/nl52FBYBISbzNGRG8CrhkQ==
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3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/4wgxKe7phREuWgDJS1yRxxg==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYUvplusQyNqN64RQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==
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3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/PCbwsLshUQxLVplusmkc9Vslsh0GqfQ==
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4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswnq3LcJJdgUB9slshA==
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5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
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5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RoY7foslshVVCuCn7ASBE4vKg==
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6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMoslshZA==
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6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/XSgOkVwslsh6n1VgSVdoheJvg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
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6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/pluswnTUYQetRZUFczZuTcFrA==
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Regulation 3311: Bids

Status: ADOPTED

Original Adopted Date: 10/01/2015 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Pursuant to Government Code 54202, districts are mandated to establish bidding procedures governing the purchase of equipment and supplies. The following administrative regulation reflects the competitive bidding procedures applicable to these purchases, as well as contracts for certain services, public works projects, and repairs and maintenance, when the contract exceeds the amount specified in law.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA) (Public Contract Code 22000-22045), which allows public projects of \$60,000 or less to be performed by district employees and public projects of \$200,000 or less to be awarded through an informal bidding process. See BP/AR 3311.1 - Uniform Public Construction Cost Accounting Procedures. Districts that have adopted the UPCCAA procedures should modify the following regulation to delete or revise conflicting provisions related to contracts for public works. Also see AR 3311.2 - Lease-Leaseback Contracts, AR 3311.3 - Design-Build Contracts, and AR 3311.4 - Procurement of Technological Equipment for procedures applicable to those contracts.

Advertised/Competitive Bids

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility

CSBA NOTE: For the contracts specified in Item #2a-c below, Public Contract Code 20111 requires the Superintendent of Public Instruction (SPI) to annually establish a bid limit that reflects U.S. Department of Commerce data. The following paragraph allows the amount to escalate automatically once the SPI has made the annual determination. For 2023, the bid limit is \$109,300.

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
 - a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
 - b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
 - c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

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

CSBA NOTE: Pursuant to Public Contract Code 2600 all bid documents and construction contracts, when applicable, must contain a notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603. Skilled and trained workforce requirements are required for lease-leaseback projects, design-build, and alternative design-build projects. Skilled and trained workforce is optional for all other construction delivery methods. See AR 3311.2 Lease-Leaseback Contracts and AR 3311.3 -- Design-Build Contracts for specific bidding requirements.

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and

details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. For lease-leaseback, design-build, and alternative design-build projects, the notice shall specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

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

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

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

CSBA NOTE: Public Contract Code 20103.8 specifies that, in those cases when the bid includes items that may be added to or deducted from the scope of the work in the contract, the bid solicitation must specify the method to be used to determine the lowest bid, as detailed below. Districts should consult with CSBA's District and County Office of Education Legal Services or district legal counsel, as appropriate, if they have questions regarding the applicability of this law.

6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

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

CSBA NOTE: For a bid to be successful, it must conform to bid specifications (i.e., it must be "responsive") and the bidder must be determined to be able to perform the work (i.e., the bidder must be "responsible" as defined in Public Contract Code 1103). There is no right to a due process hearing when the district has merely found the bid to be nonresponsive. However, the district must be careful in making a determination on the "nonresponsiveness" of a bid based on anything other than the documents submitted. To avoid any confusion, the district should provide clear and comprehensive bid

specifications to bidders.

When rejecting the lowest responsive bid on the basis that the bidder is nonresponsive, the district must inform the bidder of the evidence used when making the determination and afford the bidder a hearing with the right to present evidence that the bidder is responsible.

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
 - a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination.
 - b. When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of the right to present evidence of the bidder's responsibility at a hearing before the Board.
8. After being opened, all submitted bids become public records pursuant to Government Code 7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

Prequalification Procedure

CSBA NOTE: The following section is optional. Pursuant to Public Contract Code 20111.6, a district with average daily attendance (ADA) of 2,500 or greater is required to prequalify all general contractors and electrical, mechanical, and plumbing subcontractors for any public project of \$1,000,000 or more, when the project uses or is reimbursed from School Facilities Program funds (Education Code 17070.10-17079.30) or other future state school bonds. A model prequalification questionnaire is available on the Department of Industrial Relations website.

Additionally, pursuant to Public Contract Code 20111.5, districts are permitted, but not required, to establish prequalification procedures for other contracts which, by law, require competitive bidding.

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified

by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

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

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)

CSBA NOTE: Pursuant to Public Contract Code 2000-2002, a district is permitted to establish bidding requirements that facilitate the participation of minority, women, disabled veteran, and small business enterprises in contracts. Though minorities and women are included in Public Contract Code 2000, Article 1, Section 31(a) of the California Constitution prohibits the granting of preferences based on race, sex, color, ethnicity, or national origin in state employment and contracting. The district should consult with CSBA's District and County Office of Education Legal Services or district legal counsel if there is any question about the granting of preferences to any such business.

3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

CSBA NOTE: Until January 1, 2025, districts may, in accordance with Education Code 17250.25, utilize the design-build method of construction delivery. Pursuant to Education Code 17250.15, design-build means a project delivery process in which both the design and construction of a project are procured from a single entity.

5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

CSBA NOTE: Pursuant to Education Code 17250.60-17250.69, as added by AB 185 (Ch. 571, Statutes of 2022), the district may, until January 1, 2029, utilize alternative design-build contracts for public works projects in excess of \$5,000,000. Pursuant to Education Code 17250.60, alternative design-build means a project delivery process in which both the design and construction of a project are procured from a single design-build entity based on its proposed design cost, general conditions, overhead, and profit as a component of the project price.

A contract for an alternative design-build project must be awarded to either the low bidder or the best value, and is subject to further negotiation and amendment pursuant to Education Code 17250.65. Alternative design-build subcontracts are subject to an open book evaluation by the district and the district sets the price based on this open book evaluation. The alternative design-build contract may be subject to further negotiation or amendment and if the district and the design-build entity are unable to reach an agreement, the district may terminate the contract. A district that utilizes the alternative design-build procurement method is required to submit, by January 1, 2028, a report to the Legislature, as specified in Education Code 17250.67. See AR 3311.3 - Design-Build Contracts for more information specific to design-build and alternative design-build projects.

6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs

Protests by Bidders

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

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

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

CSBA NOTE: The following paragraph provides a process for appealing a bid award to the Board. Although the law does not specify the notice to be given in this circumstance, CSBA recommends at least three business days which may be modified to reflect district practice.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Limitation on Use of Sole Sourcing

CSBA NOTE: "Sole sourcing" is the practice by which one brand name product is specified, although comparable, competitive products are available. Public Contract Code 3400 allows sole sourcing in limited circumstances and requires that the specification of the designated product be followed by the words "or equal," so that bidders for such a contract are able to base their bids on the use of other products of equal functionality that may result in cost savings for the district. The following section is optional.

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

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

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

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

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

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion

3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

Bids Not Required

CSBA NOTE: The following paragraph lists those items that may be purchased through a "piggybacked" bid; see the accompanying Board policy. Many districts have used the piggyback procedure to purchase portable and relocatable buildings. The Attorney General has opined in 89 Ops.Cal.Atty.Gen. 1, 2006 that a district may not rely on the piggyback exception to contract for the acquisition and installation of factory-built modular building components (i.e., roofs and walls) for installation on a permanent foundation. This opinion does not apply to typical portable or relocatable single-classroom buildings, because they lack a permanent foundation and building mobility. Additionally, in 2022 the State Allocation Board (SAB) notified districts that modular school facilities must be competitively bid and districts that use piggyback contracts for modular facilities are ineligible for state funding from SAB administered programs. Districts considering using the piggyback process for relocatables, portables, modulars, and the like should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

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

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

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

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

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Bus. Code 7056	General engineering contractor - https://simbli.eboardsolutions.com/SU/UHmlUE01hRVZsodCzgS0Xw==
Bus. Code 7057	General building contractor - https://simbli.eboardsolutions.com/SU/Se6GMF7ljKntdgH8D88Z7Q==
Code of Civil Procedure 446	Verification of pleadings - https://simbli.eboardsolutions.com/SU/aclh447tS4SzYXBxMslshxiag==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAAb4qYYOY9breHg==
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17250.60-17250.69	Alternative design-build contracts - https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==
Ed. Code 17406	Lease-leaseback contract - https://simbli.eboardsolutions.com/SU/OBPYzSILXpluspnBZT2SkSYcg==
Ed. Code 17595	Purchase of supplies through Department of General Services - https://simbli.eboardsolutions.com/SU/wjokePIJPjwslsh4bmkj654ig==
Ed. Code 17602	Purchase of surplus property from federal agencies - https://simbli.eboardsolutions.com/SU/OMwezslshLjipET3b8gXpluszPXg==
Ed. Code 38083	Purchase of perishable foodstuffs and seasonal commodities - https://simbli.eboardsolutions.com/SU/slshw3bpslzaSed6aaoGa32A==
Ed. Code 38110-38120	Apparatus and supplies - https://simbli.eboardsolutions.com/SU/slsh3YlaSxloRn5YRy8K7HIEw==
Ed. Code 39802	Transportation services - https://simbli.eboardsolutions.com/SU/HVTBXAU8JOplus2kJP98SHoDg==
Gov. Code 4217.10-4217.18	Energy conservation contracts - https://simbli.eboardsolutions.com/SU/JKuUPcAdslshhSurljmo0KQrA==
Gov. Code 4330-4334	California made materials - https://simbli.eboardsolutions.com/SU/siRxFplusxt240pBITNL61igg==
Gov. Code 53060	Special services and advice - https://simbli.eboardsolutions.com/SU/7T7sFbIKV6rel4IFp43jCg==
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Gov. Code 7920.530	Definition of public record - https://simbli.eboardsolutions.com/SU/l65BamQplusrCgxYeSplusYx0aZA==
Pub. Cont. Code 1102	Definition of emergency - https://simbli.eboardsolutions.com/SU/uCLuvOi1XfVD0J6DMN5rhQ==
Pub. Cont. Code 1103	Definition; responsible bidder - https://simbli.eboardsolutions.com/SU/C9mQhiS9HYQeoAhfVeifPw==
Pub. Cont. Code 12200	Definitions, recycled goods, materials and supplies - https://simbli.eboardsolutions.com/SU/ksDkBcmNIRx5i4nyUWW6QQ==
Pub. Cont. Code 2000-2002	Responsive bidders - https://simbli.eboardsolutions.com/SU/8xMbAzhKdz41E7CMFCcftw==
Pub. Cont. Code 20101-20103.7	Public construction projects; requirements for bidding - https://simbli.eboardsolutions.com/SU/G7ENStwWfK6oRYGpnQeuzw==
Pub. Cont. Code 20103.8	Award of contracts - https://simbli.eboardsolutions.com/SU/LOkWWGXbDOzOREZ5yuoslshbg==

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Pub. Cont. Code 22000-22045	Uniform Public Construction Cost Accounting Act - https://simbli.eboardsolutions.com/SU/DLw5U6jkJ18uhpBzRfcHGw==
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Pub. Cont. Code 3400	Bid specifications - https://simbli.eboardsolutions.com/SU/awVKPr3ZLZpRth0hslsh5SgYw==
Pub. Cont. Code 3410	U.S. produce and processed foods - https://simbli.eboardsolutions.com/SU/ZAAfslshJcPtso7EpKjSWbLtQ==
Pub. Cont. Code 4113	Prime contractor; subcontractor - https://simbli.eboardsolutions.com/SU/8VLWxzV2QvqkmUGv2HqJag==
Pub. Cont. Code 6102	Bribery of public official; voidable contract - https://simbli.eboardsolutions.com/SU/OjdxzPTcnw7s2nDplusplussNyIQ==
Pub. Cont. Code 6610	Bid visits - https://simbli.eboardsolutions.com/SU/Lmsh5VopiDTv9Mayc881u1Q==

Management Resources References

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Attorney General Opinion	89 Ops.Cal.Atty.Gen. 1 (2006)
CA Department of General Services Publication	Office of Public School Construction, Piggyback Contracts - https://simbli.eboardsolutions.com/SU/mplusaplusAKoAXgLpplusVhXZMslsha8A==
CA Department of General Services Publication	Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022 - https://simbli.eboardsolutions.com/SU/r4VFCXmx8WXbgwHdQOgHrQ==
CA Department of Industrial Relations Publication	Model Prequalification Questionnaire - https://simbli.eboardsolutions.com/SU/OO0lxhNDqNNdvDHmV5fdJw==
Court Decision	City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861
Court Decision	Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
Court Decision	Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
Court Decision	Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
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Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsLshXk6R5akQ==
Website	California Department of General Services - https://simbli.eboardsolutions.com/SU/B5plusioNPtiLVplusM3zkWI4AMA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
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Website	California Association of School Business Officials - https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/fGzTnDYcSd9LBbPBjyCBA==
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1340	Access To District Records - https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFIRIre2y6sA==
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3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlC0Og==
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3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/4xVQsptceRtGBj5E9mJGQ==
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3311.1	Uniform Public Construction Cost Accounting Procedures - https://simbli.eboardsolutions.com/SU/O3stT7bsNcaKaaj5JxliBg==
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3311.2	Lease-Leaseback Contracts - https://simbli.eboardsolutions.com/SU/3ssBh906X9CZkLdplusOC4Nslshw==
3311.3	Design-Build Contracts - https://simbli.eboardsolutions.com/SU/SYfJWslshySkm0fnMkjPceFSA==
3311.4	Procurement Of Technological Equipment - https://simbli.eboardsolutions.com/SU/9VSqQIMXI4v8TslshlwXdfslhLg==
3312	Contracts - https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3IIN3YWGpluw==
3314	Payment For Goods And Services - https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbrLH7xA==
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3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ==
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3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Y9FyWGORGodKIGNRslshKMofg==
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3512 Equipment -
<https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==>

3512-E(1) Equipment -
<https://simbli.eboardsolutions.com/SU/htmlpluswvNopsrGRvHnZmL57Q==>

3517 Facilities Inspection -
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3540 Transportation -
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7000 Concepts And Roles -
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7140 Architectural And Engineering Services -
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9270 Conflict Of Interest -
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9270-E(1) Conflict Of Interest -
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9320 Meetings And Notices -
<https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5szudQ==>

9323.2 Actions By The Board -
<https://simbli.eboardsolutions.com/SU/qTqIJZz7LWxdOXZSRTVLAA==>

9323.2-E(1) Actions By The Board -
<https://simbli.eboardsolutions.com/SU/E5GqXb1wi3InLIAbs692Zw==>

9323.2-E(2) Actions By The Board -
<https://simbli.eboardsolutions.com/SU/qVfpDmpluswpVdRGdSnZjRPQw==>

Regulation 3311.3: Design-Build Contracts

Status: ADOPTED

Original Adopted Date: 12/01/2016 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: As an alternative to the more traditional design-bid-build process (see BP/AR 3311 - Bids) or a lease-leaseback process (see AR 3311.2 - Lease-Leaseback Contracts), the district may, until January 1, 2025, enter into a design-build contract for a public works project in excess of \$1,000,000 pursuant to Education Code 17250.10-17250.55. As defined by Education Code 17250.15, "design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity. Additionally, pursuant to Education Code 17250.61, as added by AB 185 (Ch. 571, Statutes of 2022), the district may, until January 1, 2029, enter into an alternative design-build contract for a public works project in excess of \$5,000,000. As defined by Education Code 17250.60, "alternative design-build" means a project delivery process in which both the design and construction of a project are procured from a single design-build entity based on its proposed design cost, general conditions, overhead, and profit as a component of the project price. Education Code 17250.15, 17250.25, 17250.60, and 17250.61 provide that such contracts may be awarded to either the low bid or best value, as defined.

Until January 1, 2025, the Governing Board may approve a design-build contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

Additionally, until January 1, 2029, the Board may approve an alternative design-build contract with a single entity for both design and construction of any school facility in excess of \$5,000,000. Such contracts may be awarded to the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price, technical design and construction expertise, and life-cycle costs. The district's determination of price shall be based on the open book evaluation of construction subcontracts. The contract may be subject to further negotiations or amendment and may be terminated by the district if the district and the design-build entity are unable to reach an agreement. (Education Code 17250.61, 17250.62, 17250.65)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25, 17250.62)

Procedures for Awarding the Contract

The procurement process for design-build and alternative design-build projects shall be as follows: (Education Code 17250.25, 17250.35, 17250.62, 17250.65; Public Contract Code 2600)

1. Performance Specifications: The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:
 - a. The size, type, and desired design character of the project
 - b. Performance specifications that cover the quality of materials, equipment, and workmanship
 - c. Preliminary plans or building layouts
 - d. Any other information deemed necessary to describe adequately the district's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. 2. Prequalification: The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:
 - a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
 - b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors

- c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25 or 17250.62

CSBA NOTE: Public Contract Code 2600 adds a requirement to include in all bid documents and construction contracts, when applicable, a notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603. Pursuant to Education Code 17250.25 and 17250.62, design-build contracts are subject to such requirements.

- d. A notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

3. Request for Proposals: The district shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The RFP shall include the information identified in Items #2a, 2b, and 2d above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method for a project, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.
4. Selection Based on Low Bid: For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder
5. Selection Based on Best Value: For those projects utilizing best value as a selection method, the following procedures shall be used:
 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district. The proposal for a design-build project, as specified in 17250.25, shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years. The proposal for an alternative design-build project, as specified in 17250.62, shall, at a minimum, include design cost, general conditions, overhead, and profit as a component of the project price, unless a stipulated sum for the project is specified; technical design and construction expertise; and life-cycle costs over 15 or more years.
 - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked
 - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public
 - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Skilled and Trained Workforce

CSBA NOTE: Education Code 17250.25 requires the district to obtain an enforceable commitment that the contractor will comply with the requirements to use a skilled and trained workforce, as defined, in accordance with Public Contract Code 2600-2603. Pursuant to Public Contract Code 2600.5 failure to provide the notice described in Items #2d and 3 above does not excuse the district from the requirement to obtain an enforceable commitment that a contractor or other entity will use a skilled and trained workforce to complete a contract or project.

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeship occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the

district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25, 17250.62; Public Contract Code 2602)

Skilled and trained workforce means that all the workers performing the work are either skilled journeypersons or apprentices registered in a state-approved apprenticeship program. At least 60 percent of the skilled journeypersons employed to perform the work shall be graduates of an apprenticeship program for the applicable occupation or at least 60 percent of the hours worked by skilled journeypersons shall be performed by graduates of an apprenticeship program, with the exception of certain occupations specified in Public Contract Code 2601 which are subject to a 30 percent threshold. (Public Contract Code 2601)

If the contractor fails to provide the monthly report demonstrating compliance with the skilled and trained workforce requirements or provides an incomplete report, the district shall withhold further payments until a complete report is provided. If a report does not demonstrate compliance with the skilled and trained workforce requirements, the district shall withhold further payments until the contractor provides a sufficient plan to achieve substantial compliance with respect to the relevant apprenticeable occupation, prior to completion of the contract or project. In addition, the district shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the district's response to that plan. (Public Contract Code 2602)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17250.60-17250.69	Alternative design-build contracts - https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==
Pub. Cont. Code 2600-2603	Skilled and trained workforce requirements - https://simbli.eboardsolutions.com/SU/z9cd2KTKJWcsStfS7FNTFw==

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Association of School Business Officials - https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==
Website	California Department of Education, School Facilities - https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/kSmQOh7sW9PDb8PSD17ycQ==
3312	Contracts - https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3lIn3YWGplusw==
7000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMyv7LT883UOw==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/3ldF7JWp7SfYLLaJ5r43nQ==

7140

Architectural And Engineering Services -

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Policy 3312: Contracts

Status: ADOPTED

Original Adopted Date: 11/01/2003 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Several statutes authorize the Governing Board to contract for services, equipment, materials, and supplies on behalf of the district. Such statutes include, but are not limited to, Education Code 17596 which allows a broad range of services to be performed under a "continuing contract" and Education Code 45103.5 which authorizes a contract for management consulting services relating to food service.

Some contracts are subject to certain specific legal requirements which, if not complied with, may render the contract void or unenforceable. For instance, when contracting for the purchase of equipment, materials, or supplies in excess of the current bid limit (\$109,300 for 2023), the district must seek competitive bids, pursuant to Public Contract Code 20111. See sections below titled "Contracts for Non-nutritious Foods or Beverages," "Contracts for Electronic Products and Services," "Contracts for Digital Storage and Maintenance of Student Records," and "Contracts for Personal Services" for specific requirements and/or restrictions related to those contracts. See AR 3311.3 - Design-Build Contracts for information about design-build contracts for public works projects in excess of \$1,000,000 and for alternative design-build projects in excess of \$5,000,000. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific kinds of contract.

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected, that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

CSBA NOTE: When entering into a contract, a school district is required to comply with California's conflict of interest laws, including, but not limited to, Government Code 1090 (financial interest in a contract), Government Code 87100-87500 (Political Reform Act), and Government Code 84308, as amended by SB 1439 (Ch. 848, Statutes of 2022), related to conflict of interest from campaign contributions. The violation of any of these laws could result in cancellation of the contract and, in certain cases, the Board members and/or district officials implicated could be subject to civil and criminal penalties. For example, pursuant to Government Code 84308, as amended, Board members are prohibited from participating in decisions involving parties who have provided campaign contributions of more than \$250 in the prior 12 months. Additionally, pursuant to Public Contract Code 6102, as added by SB 34 (Ch. 297, Statutes of 2022), a contract executed on or after January 1, 2023, including a contract negotiated prior to January 1, 2023, is voidable if entered into in violation of a state or federal crime relating to bribery of a public official, including, but not limited to, a violation of Penal Code 68 or 86. For more information related to the policy on conflict of interest, see BB 9270 - Conflict of Interest.

In addition, Board members and district employees involved in the making of contracts on behalf of the district shall comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

CSBA NOTE: The following optional paragraph may be revised to specify any desired limits to this delegation of authority.

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

CSBA NOTE: The following optional paragraph reflects the requirements of Education Code 35182.5 which are applicable to contracts for exclusive or nonexclusive advertising and sale of carbonated beverages or non-nutritious foods or beverages. Though not required for all contracts, such requirements help to minimize public waste and ensure transparency in public contracting and should be adopted by the Board for other contracts. See "Contracts for Non-nutritious Foods or Beverages" below.

Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure. No contract shall prohibit a district employee from disparaging the goods or services of any contracting party.

Contracts for Non-nutritious Foods or Beverages

CSBA NOTE: Foods and beverages that do not meet nutritional standards specified in law may not be sold in schools except under limited circumstances; see BP/AR 3554 - Other Food Sales. Schools that do not participate in the National School Lunch or Breakfast program are required to comply with the nutritional standards in Education

Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578 from one-half hour before the school day to one-half hour after it. Schools that participate in the National School Lunch or Breakfast program must comply with the stricter of the nutritional standards in 7 CFR 210.11 and 220.12 and Education Code 49431-49431.7 between midnight before and one-half hour after the end of the school day.

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law.

CSBA NOTE: Pursuant to Education Code 35182.5, the district may not enter into a contract that grants exclusive or nonexclusive sales or advertising for carbonated beverages, non-nutritious beverages, or non-nutritious foods unless the Board holds a public hearing and, as mandated, adopts a policy that ensures that internal controls are in place to protect the integrity of public funds, that the funds raised will benefit public education, and that the contracts are entered into on a competitive basis.

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

CSBA NOTE: Education Code 35182.5 does not define the term "internal controls." Items #1-2 below are based on suggested "internal controls" as recommended by the California Association of School Business Officials (CASBO) and should be modified to reflect the specific internal controls developed by the district.

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

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.
2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

CSBA NOTE: Optional Items #1-4 below are not required by law, but present additional factors for the Board to consider to help ensure that the funds raised benefit public education in accordance with Education Code 35182.5. The following list should be modified to reflect district practice.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.
3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.
4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities.

CSBA NOTE: Education Code 35182.5 mandates Board policy to ensure that the contract is entered into on a competitive basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. Public Contract Code 20111 requires districts to seek competitive bids through advertisements for contracts or services exceeding an amount specified in law. For a detailed procedure for the bidding of contracts, see AR 3311 - Bids.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

CSBA NOTE: Pursuant to Education Code 35182.5, the public hearing required before the district may enter into or renew a contract for non-nutritious foods or carbonated or non-nutritious beverages may be met through an annual public hearing to review and discuss existing and potential contracts for the sale of foods and beverages on campuses, as provided in Option 1 below. Option 2 is available for districts that prefer to hold a public hearing for the making or renewal of each contract involving non-nutritious foods or beverages.

OPTION 1: (Annual public hearing to review and discuss existing and potential contracts)

The Board shall hold an annual public hearing to review and discuss all existing and potential contracts for the sale of foods and beverages on campus, including those sold as full meals or through competitive sales, fundraisers, or vending machines. The Board shall hold a public meeting for any contract not discussed at the annual public hearing. (Education Code 35182.5)

OPTION 1 ENDS HERE

OPTION 2: (Public hearing for the making or renewal of each contract)

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

OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph is applicable to both Options 1 and 2.

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

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

Contracts for Electronic Products or Services

CSBA NOTE: Education Code 35182.5 prohibits districts or schools from entering into contracts for electronic products or services that require dissemination of advertising to students, unless the following conditions are satisfied. This section should be modified to reflect any additional requirements included by the district.

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

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

CSBA NOTE: Pursuant to Education Code 49073.1, the Board is mandated to adopt a policy when the district chooses to enter into a contract with a third party to provide services specified in the following section.

The district may enter into or renew a contract with a third party for the purpose of providing services, including

cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account
3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

Contracts for Personal Services

CSBA NOTE: The following optional paragraph is applicable when the district chooses to contract for personal services that are currently or customarily performed by its classified employees. Pursuant to Education Code 45103.1, such a contract may be entered into or renewed by the district in order to achieve cost savings, but only if the contract (1) is awarded through a publicized, competitive bidding process; (2) does not result in displacement of district employees (layoff, demotion, involuntary transfer to a new classification, etc.); and (3) meets other specified conditions.

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the numerous conditions specified in Education Code 45103.1.

CSBA NOTE: Education Code 45103.1 also permits personal service contracts that do not meet the conditions specified in the paragraph above in the circumstances as listed below.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exists: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors
2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge,

experience, and ability are not available through the district

3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented
4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process
5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed
7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 15500	Food sales in elementary schools
5 CCR 15501	Food sales in high schools and junior high schools
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 14505	Provisions required in contracts for audits - https://simbli.eboardsolutions.com/SU/BKLxfCB1V4vlxo7v3OWxCA==
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17595-17606	Contracts - https://simbli.eboardsolutions.com/SU/pSDPmBEkLxqb26TShEsjLA==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 35182.5	Contracts for advertising - https://simbli.eboardsolutions.com/SU/b1Cx8OTDYoo5teAWplusUlkoQ==
Ed. Code 45103.1	Personal services contracts - https://simbli.eboardsolutions.com/SU/ZurslshcN5gU2Th3CslwAqUIA==
Ed. Code 45103.5	Contracts for management consulting services; restrictions - https://simbli.eboardsolutions.com/SU/rfUDyyBOKWbEnrSR6aRtGA==
Ed. Code 49073.1	Contract requirements for digital storage, maintenance and retrieval of student records - https://simbli.eboardsolutions.com/SU/7FfwnMqslshNm7slshTd7Gwp0bbg==
Ed. Code 49431-49431.7	Nutritional standards - https://simbli.eboardsolutions.com/SU/Vbldc2N1RyrO8XDSzoAlsA==
Gov. Code 12990	Nondiscrimination and compliance employment programs - https://simbli.eboardsolutions.com/SU/OoLrkZjswWyxu7Kv3Vgekg==
Gov. Code 53260	Contract provision re maximum cash settlement - https://simbli.eboardsolutions.com/SU/eWKRc5bslshAVWDJXVuZjViXg==
Gov. Code 53262	Employment contracts - https://simbli.eboardsolutions.com/SU/uMeVoE9plusYkznuzL8rislshZ6Q==
Gov. Code 84308	Campaign disclosure - https://simbli.eboardsolutions.com/SU/n7Sz3yU8cLVytag8uq23bQ==
Lab. Code 1775	Penalties for violations - https://simbli.eboardsolutions.com/SU/HHplusplus7plus0q6v9KDuk30stvNg==

Lab. Code 1810-1813	Working hours - https://simbli.eboardsolutions.com/SU/a3hIO6GtNuvr3EdZ9TvRqw==
Pub. Cont. Code 20104.50	Timely progress payments
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder - https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==
Pub. Cont. Code 22300	Performance retentions - https://simbli.eboardsolutions.com/SU/pyObMuHzrvh91V5XSZV5IQ==
Pub. Cont. Code 4100-4114	Subletting and subcontracting fair practices - https://simbli.eboardsolutions.com/SU/SVVj9Al64vXsVdTo4PDK5Q==
Pub. Cont. Code 6102	Awarding of contracts - https://simbli.eboardsolutions.com/SU/OjdxzPTcnw7s2nDplusplussNyIQ==
Pub. Cont. Code 7104	Contracts for excavations; discovery of hazardous waste - https://simbli.eboardsolutions.com/SU/cBw0xIxQ69jslshAtKSuslshhbDQ==
Pub. Cont. Code 7106	Noncollusion affidavit - https://simbli.eboardsolutions.com/SU/be6SwbwzQgn7yzbiBVTpAg==

Federal References

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
7 CFR 210.1-210.33	National School Lunch Program - https://simbli.eboardsolutions.com/SU/Lv8UWlOwAizNvSHss7IA9Q==
7 CFR 220.1-220.21	National School Breakfast Program

Management Resources References

	Description
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Association of School Business Officials - https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==

Cross References

	Description
0100	Philosophy - https://simbli.eboardsolutions.com/SU/YnzdQsYE5dS3ZxWF6iZ51g==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9is11yD8g==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wI0TCQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUJIB3QBmHA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gJBXCOuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMplZpTd3ujpQ==
1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/TUNcr5l6QZDDrINJ5rXb5g==

1230	School-Connected Organizations - https://simbli.eboardsolutions.com/SU/sDXhJFa6OFkhNJlen5SDKw==
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/WzxFAnB9mwMFIBcBX36cOA==
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/ymfl0m7LGvVUP9texPyQjg==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/TPq9ClqZ7jLx8c5l0jsyog==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRIre2y6sA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/bj3fslsh3cl7eKslshyWTi7plusHVkQ==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/mkVPrki4hFAslshTLDS60yUHA==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1IFqU7LQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNJtUb1FQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/msAckulxvwwNnuplus45O6T7slshw==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/ju3plusHslshNCrtC98tuplusslshKYZA==
3290	Gifts, Grants And Bequests - https://simbli.eboardsolutions.com/SU/v0uP5OYKyNQGAvaslshoK4zOw==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/mVeOQYRtN4WLxpjXZCEPuQ==
3311	Bids - https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==
3311	Bids - https://simbli.eboardsolutions.com/SU/kSmQOH7sW9PDb8PSD17ycQ==
3311.1	Uniform Public Construction Cost Accounting Procedures - https://simbli.eboardsolutions.com/SU/Q3stT7bsNcaKaqj5JxliBg==
3311.1	Uniform Public Construction Cost Accounting Procedures - https://simbli.eboardsolutions.com/SU/VsoDfoloi2blzPF6jhD9gA==
3311.2	Lease-Leaseback Contracts - https://simbli.eboardsolutions.com/SU/3ssBh906X9CZkLdplusOC4Nslshw==
3311.3	Design-Build Contracts - https://simbli.eboardsolutions.com/SU/SYfJWslshySkm0fnMkjPceFSA==
3311.4	Procurement Of Technological Equipment - https://simbli.eboardsolutions.com/SU/9VSqQIMXI4v8TslshlwXdFslshLg==
3314	Payment For Goods And Services - https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbrLH7xA==
3314	Payment For Goods And Services - https://simbli.eboardsolutions.com/SU/kJslshbA41fvAd26Fu7h7gj6w==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==

3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IFQ3rmGZ279rXIBTcVVFslshA==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/YmEZnZWD4fplusObiWdUGpphA==
3470	Debt Issuance And Management - https://simbli.eboardsolutions.com/SU/uaUO1PslshiQVjou0LbEBFgPg==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Y9FyWG0RGodKIGNRslshKMofg==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/UNtBkiqKOcpoemKmiFAE2w==
3540	Transportation - https://simbli.eboardsolutions.com/SU/WsEcrsw1Er3slshov5xxld5xA==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/HA2gFG5nbslshZWbOmKqMTJKw==
3551	Food Service Operations/Cafeteria Fund - https://simbli.eboardsolutions.com/SU/wgZfsgyQdkWbgKFLp731Sg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/StbkLHZ6bnplusQuoyiUFslshytw==
3555-E(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/s90UEaxRibgHslsh6KHoiQwXw==
3600	Consultants - https://simbli.eboardsolutions.com/SU/1FwFQUNZcLepRVw9noljBg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/q5LQp0nyMo21IV4uEGCTeg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTIXIQ==
4112.23	Special Education Staff - https://simbli.eboardsolutions.com/SU/irm0wWLeSkGJ5UwfJqHGEw==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMslshxLI2YOPYoMMU2U7w==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXjA==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTTrG0G6lY9g==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOmkkEEHCUvAIA==
4232	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4332	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/GlslshGwQt15nlsUrEfg1bgaA==

5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKiInplusCH4n5fplusplusl8ljA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/OOJDgERnjwx8GUWBtYOKOw==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/wvYNz0FFrs9dh3AXII0aQQ==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/6TzInJWYUNhxc9er0OvSw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/bVySg0grlwmshAxbVduBflg==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/K58wRXLhiQ7HqkoPGCSxplusw==
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7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/3ldF7JWp7SfYLLaJ5r43nQ==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/qwplusNa5UIWbshWRplusfrkNbzA==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOfduR9FE4g==
9124	Attorney - https://simbli.eboardsolutions.com/SU/cyJJplusrCCCh2AEypzeA9Q2Q==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/Wllp67WloJxMnAZ5sziudQ==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/UZNZ1VccJifG2tzL24yslshFw==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/Wh6jUkrzZOQj3h6xIFrEw==

Policy 3460: Financial Reports And Accountability

Status: ADOPTED

Original Adopted Date: 11/01/2004 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following policy is optional and should be revised to reflect district practice.

The Governing Board is committed to ensuring public accountability and the fiscal health of the district. The Board shall adopt sound fiscal management policies and practices, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

CSBA NOTE: The following optional paragraph sets the Governing Board's expectation that the district's financial reports will adhere to generally accepted financial and accounting standards. The Governmental Accounting Standards Board (GASB) is a nonprofit agency that establishes financial and accounting standards for state and local government agencies, including school districts. By using the California Department of Education's (CDE) standardized account code structure (SACS) software to develop financial reports, the district will be assured of complying with generally accepted accounting principles prescribed by GASB and meeting other state and federal reporting guidelines.

The Superintendent or designee shall ensure that district financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education (CDE). The Superintendent or designee shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

When required by law or as directed by the Board, the Superintendent or designee shall submit to the Board reports of the district's financial status, including, but not limited to, any report specified in this Board policy or accompanying administrative regulation. When submission of any such report to a local, state, and/or federal agency requires prior Board approval, the Superintendent or designee shall provide the report to the Board in sufficient time to enable the Board to carefully review the report without breaking any applicable submission deadline.

CSBA NOTE: The Fiscal Crisis and Management Assistance Team (FCMAT) is an independent entity whose primary mission is to help districts identify, prevent, and resolve financial, operational, and data management challenges, including assisting districts to avert fiscal insolvency, providing districts with fiscal management assistance, and creating efficient organizational operations. According to FCMAT's, "Indicators of Risk or Potential Insolvency for K-12 Local Education Agencies," the indicators of risk or potential insolvency include conditions related to unreliable budget development, insufficient budget monitoring or updates, inadequate cash management, mismanaged collective bargaining agreements, increasing and/or unplanned contributions and transfers, continuing deficit spending, mismanaged employee benefits, inattention to enrollment and attendance reporting, decreasing fund balance and reserve for economic uncertainty, ineffective internal controls and fraud prevention, breakdown in leadership and communication, lack of multiyear planning, inattention to non-voter-approved debt and risk management, lack of position control, and other issues of concern.

In reviewing the district's budget, the County Superintendent of Schools is required by Education Code 42127 and 42127.6 to consider any studies, reports, evaluations, or audits of the district that contain evidence of fiscal distress based on the standards and criteria specified in Education Code 33127 or a finding that the district is in moderate or high risk of intervention based on the most common FCMAT indicators of a district needing intervention; see BP/AR 3100 - Budget. In the event of any such evidence or finding, or if the district is showing fiscal distress under state criteria and standards for budgets or interim reports, as specified in 5 CCR 15440-15451 and 15453-15464, the County Superintendent is required to investigate whether the district may be unable to meet the current year's or two subsequent fiscal years' financial obligations.

The Board shall regularly assess the district's financial position and communicate the results to the public, and shall use financial reports to determine the actions and budget amendments, if any, that are needed to ensure the district's financial stability. If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall take action to resolve these conditions without delay. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to provide the district with needed advice or fiscal management or training.

CSBA NOTE: When a district is fiscally insolvent and is considering applying to the state for an emergency apportionment that exceeds 200 percent of the recommended reserve for that district, Education Code 41326 requires the Board to first discuss the need for that apportionment at a regular or special meeting. At that meeting, the Board is required to receive testimony from parents/guardians, exclusive representatives of employees of the district, and other community members. Any district that receives such an apportionment is subject to the

conditions set forth in Education Code 41326, including assumption of all the Board's legal rights, duties, and powers by the County Superintendent, who is required to appoint, with concurrence from the Superintendent of Public Instruction (SPI) and President of the State Board of Education (SBE), or the President's designee, an administrator to exercise the authority.

If the district is facing fiscal insolvency, the Board may consider applying to the state for an emergency apportionment that exceeds 200 percent of the district's recommended reserve. Before applying for such emergency apportionment, the Board shall discuss, at a regular or special meeting, the need for an emergency apportionment and receive testimony regarding the apportionment from parents/guardians, the exclusive representatives of employees of the district, and other members of the community. (Education Code 41326)

Unaudited Actual Receipts and Expenditures

On or before September 15, the Board shall approve and file with the County Superintendent a statement of the district's unaudited actual receipts and expenditures for the preceding fiscal year. The Superintendent or designee shall prepare this statement using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42100)

Gann Appropriations Limit Resolution

On or before September 15, the Board shall, at a regular or special meeting, adopt a resolution identifying, pursuant to Government Code 7900-7914, the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

Interim Reports/Certification of Ability to Meet Fiscal Obligations

CSBA NOTE: Education Code 42130 requires that the district issue two interim reports, as described below, based on the criteria and standards for fiscal stability adopted by SBE pursuant to Education Code 33127. These criteria and standards are delineated in 5 CCR 15453-15464. See the accompanying administrative regulation for further information about the contents of the interim reports.

Each fiscal year, the Superintendent or designee shall submit two interim reports to the Board. The first report shall cover the district's financial and budgetary status for the period ending October 31 and the second report shall cover the period ending January 31. These reports and supporting data shall be made available by the district for public review. (Education Code 42130)

Within 45 days after the close of the period reported, the Board shall approve the interim report and, on the basis of the interim report and any additional financial information known by the Board, shall certify in writing whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years. The certification shall be classified as one of the following: (Education Code 42130, 42131)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

CSBA NOTE: Education Code 42130 and 42131 require that the interim report and certification be submitted to the County Superintendent in a format or on forms prescribed by the SPI. CDE requires that these be reported using the SACS software. Pursuant to Education Code 42131, upon receiving the certification, the County Superintendent is required to send any qualified or negative certification, along with the interim report, to the State Controller and the SPI.

The Superintendent or designee shall submit a copy of each interim report and certification to the County Superintendent using the state's SACS software, as prescribed by the SPI. (Education Code 42130, 42131)

CSBA NOTE: Education Code 42131 gives the County Superintendent 75 days after the close of the reporting period to downgrade the district's positive certification to qualified or negative or a qualified certification to negative. Districts may appeal the County Superintendent's determination to the SPI, who will then determine the

certification to be given to the district.

If the district's certification is subsequently changed by the County Superintendent from a positive to a qualified or negative certification, or from a qualified to a negative certification, the Board may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

CSBA NOTE: Whenever the district receives a qualified or negative certification, Education Code 42131 requires the County Superintendent, within 75 days after the close of the reporting period, to submit comments on the certification to the State Controller and the SPI and report any remedial action proposed or taken under the authority granted by Education Code 42127.6. Pursuant to Education Code 42127.6, the County Superintendent is required to take one or more of the following actions: (1) assign a fiscal expert to advise the district on the financial problems; (2) conduct a study of the district's financial and budgetary conditions including, but not limited to, a review of internal controls; (3) direct the district to submit a financial projection of all fund and cash balances as of June 30 of the current year and subsequent fiscal years; (4) require the district to encumber all contracts and other obligations, prepare appropriate cash flow analyses and monthly or quarterly budget revisions, and appropriately record all receivables and payables; (5) direct the district to submit a proposal for addressing the fiscal conditions that caused the negative or qualified certification; (6) withhold Board stipend and Superintendent compensation if requested financial information is not provided; and/or (7) assign FCMAT to review and provide recommendations to improve the district's teacher hiring process, teacher retention rate, percentage of provision of highly qualified teachers, and extent of teacher misassignment. Education Code 42131 also authorizes the State Controller to conduct an audit or review of the financial condition of any district having a negative or qualified certification.

Pursuant to Education Code 42652, a district that receives a qualified or negative certification also may lose the County Superintendent's or SPI's approval to draw warrants on the county treasury. Furthermore, pursuant to Education Code 42133, a district that receives a qualified or negative certification must have the County Superintendent's approval before issuing any certificates of participation, tax anticipation notes, revenue bonds, or other non-voter-approved debt; see the section "Non-Voter-Approved Debt Report" in the accompanying administrative regulation.

Whenever a district with a qualified or negative certification is negotiating a collective bargaining agreement, it must allow the County Superintendent 10 working days to review and comment on the proposed collective bargaining agreement pursuant to Government Code 3540.2; see BP 4143/4243 - Negotiations/Consultation.

Whenever the district receives a qualified or negative certification from the Board or the County Superintendent, the Superintendent or designee shall cooperate in the implementation of any remedial actions taken or prescribed by the County Superintendent. (Education Code 42131)

CSBA NOTE: Whenever the district's second interim report is accompanied by a qualified or negative certification, the district must submit another financial statement by June 1 as described below; this report is sometimes referred to as the "third interim report."

If the second interim report is accompanied by a qualified or negative certification, the Board shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement as of April 30 ("third interim report") that projects the district's fund and cash balances through June 30. (Education Code 42131)

CSBA NOTE: Education Code 42637 authorizes the County Superintendent, upon concluding at any time during the fiscal year that the district's budget does not comply with criteria and standards for fiscal stability adopted by SBE, to conduct a comprehensive review of the district's financial and budgetary conditions and, if such a review is conducted, requires the County Superintendent to report the findings to the Board at a public meeting. According to FCMAT's, "Fiscal Oversight Guide," the County Superintendent must exercise this authority when the district receives a negative certification and is authorized to do so when the district receives a qualified certification. After receiving the report, the Board is required to respond to the recommendations within 15 days.

If at any time during the fiscal year, the County Superintendent concludes that the district's budget does not comply with the standards and criteria for financial stability and conducts a comprehensive review of the district's financial and budgetary conditions, the Board shall review any report of the County Superintendent's findings and recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of the Board's proposed actions on the recommendation. (Education Code 42637)

Audit Report

CSBA NOTE: Pursuant to Education Code 41020, the Board must, no later than May 1 of each year, arrange for an audit of all the district's funds. However, if the Board has not provided for an audit by April 1, the County

Superintendent must do so at the district's cost. Thus, the paragraph below reflects the April 1 deadline.

Pursuant to Education Code 41020, any district contract for auditing services must be approved by the Board and the County Superintendent if the district has a disapproved budget, has received a negative certification on any budget or interim report during the current fiscal year or either of the two preceding fiscal years, or has otherwise been determined by the County Superintendent to have a lack of going concern.

By April 1 of each year, the Board shall provide for an annual audit of the district's books and accounts. (Education Code 41020)

CSBA NOTE: Education Code 41020 requires the Board to select an auditor from a directory of certified public accountants and public accountants deemed by the State Controller as qualified to conduct audits of local education agencies. The State Controller is required to publish this directory by December 31 of each year.

In addition, Education Code 41020.5 prohibits the Board from employing any accountant identified by the State Controller as ineligible based on failure of past audits to comply with provisions of the K-12 annual audit guide. The State Controller will annually notify districts of ineligible accountants by March 1.

To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

CSBA NOTE: Education Code 41020 requires that districts rotate auditors as specified below. However, the district may request that the Education Audit Appeals Panel waive this requirement if no otherwise eligible auditor is available to perform the audit.

Except when, as determined by the Education Audits Appeal Panel, no otherwise eligible auditor is available, a public accounting firm whose lead or coordinating audit partner having primary responsibility for the audit or whose audit partner responsible for reviewing the audit has performed audit services for the district in each of the six previous fiscal years shall not be selected to perform a district audit. (Education Code 41020)

CSBA NOTE: Education Code 41020.3 requires the Board to review the audit report at an open meeting by January 31 of each year. However, Education Code 41020 requires that the audit report be filed with the County Superintendent, CDE, and State Controller no later than December 15. Thus, it is recommended that the Board conduct its review of the audit prior to December 15 whenever possible.

No later than December 15, the report of the audit for the preceding fiscal year shall be filed with the County Superintendent, CDE, and the State Controller. (Education Code 41020)

Prior to December 15 whenever possible, but in no case later than January 31, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

The Board shall have an opportunity at the meeting to ask questions of the auditor and request further information about the audit findings.

Audit Committee

CSBA NOTE: The following optional section may be revised to reflect district practice. Although it is the responsibility of district staff to prepare financial statements and the responsibility of the independent auditor to assure that the information in the statements is reliable and fairly presented, establishment of an audit committee provides an additional mechanism to ensure fiscal responsibility, as well as providing an opportunity for community participation. Committees established by Board action are subject to the Brown Act; see BP/AR 1220 - Citizen Advisory Committees and BB 9130 - Board Committees.

The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.

The committee shall serve in an advisory capacity and may:

1. Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature,

scope, and timetable of the audit

3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses
4. Participate with the independent auditor in presenting the audit report to the Board
5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 1859.104	Leroy F. Greene School Facilities Program; reporting requirements - https://simbli.eboardsolutions.com/SU/tR4Nz9gBf6HslshNNplus3lquQwQ==
5 CCR 15060	Standardized account code structure
5 CCR 15070	Submission of reports using standardized account code structure
5 CCR 15440-15451	Criteria and standards for school district budgets
5 CCR 15453-15464	Criteria and standards for school district interim reports
5 CCR 19810-19826.1	Audits
Ed. Code 1240	County superintendent of schools; duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 14500-14508	Financial and compliance audits - https://simbli.eboardsolutions.com/SU/ExlLRgXIGIFUpluskbtjAagJg==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17150-17150.1	Public disclosure of non-voter-approved debt - https://simbli.eboardsolutions.com/SU/nuHTCc4wlq8BirS8egAI9w==
Ed. Code 17170-17199.6	California School Finance Authority - https://simbli.eboardsolutions.com/SU/pjzTbdonCFPeq45e9kk37g==
Ed. Code 33127	Standards and criteria for local budgets and expenditures - https://simbli.eboardsolutions.com/SU/SSdOjwErCwuHepXm11cupg==
Ed. Code 33128	Standards and criteria; inclusions - https://simbli.eboardsolutions.com/SU/3184h0BVhxAfBUXIDmH2Q==
Ed. Code 33129	Standards and criteria; use by local agencies - https://simbli.eboardsolutions.com/SU/L1ncSJU5rgNwpJLaNWb1fQ==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 41010-41024	Accounting system and audits - https://simbli.eboardsolutions.com/SU/iySoWvuYwi7FVxfDFGU9KA==
Ed. Code 41320-41322	Emergency apportionments - https://simbli.eboardsolutions.com/SU/X9fslshC2BSMPq4PWQ0hV74NQ==
Ed. Code 41325-41329	Conditions on emergency apportionments - https://simbli.eboardsolutions.com/SU/HzK0ani2VSo3Py20VJUrfQ==
Ed. Code 41344	Repayment of apportionment significant audit exceptions - https://simbli.eboardsolutions.com/SU/od7pYfTq8FLslshw404NBw18w==

Ed. Code 41344.1	Appeals of audit findings - https://simbli.eboardsolutions.com/SU/MTD5yplus58zWpeFwiKgjh3rQ==
Ed. Code 41455	Examination of financial problems of local districts - https://simbli.eboardsolutions.com/SU/ZaTozp4K1ri3OfqKB0z2kA==
Ed. Code 42100-42105	Requirement to prepare and file annual statement
Ed. Code 42122-42129	Budget requirements - https://simbli.eboardsolutions.com/SU/UslshplusgtcbaNzajbYDPIR1sGQ==
Ed. Code 42130-42134	Financial reports and certifications - https://simbli.eboardsolutions.com/SU/gislshrA3TTePb0MdGcbplussShQ==
Ed. Code 42140-42142	Public disclosure of fiscal obligations - https://simbli.eboardsolutions.com/SU/VOJN7yFzAJj8mXfiBI2tQ==
Ed. Code 42637	County superintendent review of district's financial and budgetary conditions - https://simbli.eboardsolutions.com/SU/b2B8xnQz9UZ2OwaslshF5TSMA==
Ed. Code 42652	Revocation or suspension of warrant authority - https://simbli.eboardsolutions.com/SU/ixMxvVmg3hvlL8uD1hxhQ==
Ed. Code 48300-48316	Student attendance alternatives; school district of choice program - https://simbli.eboardsolutions.com/SU/8mnggUppWu6f117Bg4H4yfg==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rP0BfXZYJuQ==
Gov. Code 16429.1	Local agency investment fund - https://simbli.eboardsolutions.com/SU/stLTNmcN6WKprllwxXzqCw==
Gov. Code 3540.2	Meeting and negotiating in public educational employment - https://simbli.eboardsolutions.com/SU/opluspuGIAutoQsWU1hajyX3Q==
Gov. Code 53646	Treasurer reports and statements of investment policy - https://simbli.eboardsolutions.com/SU/imlChzDbEYS3liu1qoFBJA==
Gov. Code 7900-7914	Appropriations limit - https://simbli.eboardsolutions.com/SU/rt85h8RJQ7GYs020lnFLZw==

Federal References

2 CFR 200.0-200.521	Federal uniform grant guidance
31 USC 7501-7507	Single audits of federal program funds

Management Resources References

	Description
California Department of Education Communication	New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007
California Department of Education Communication	Audit Resolution Process: Repayment Plans, December 8, 2000
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Educational Agencies and State Compliance Reporting
Fiscal Crisis & Management Assistance Team Pub.	Indicators of Risk or Potential Insolvency For K-12 Local Education Agencies
Fiscal Crisis & Management Assistance Team Pub.	Fiscal Oversight Guide for AB 1200, AB 2756, AB 1840 and Related Legislation, September 2021
Governmental Accounting Standards Board Statement	Statement 87, Leases, June 2017
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999
Governmental Accounting Standards Board Statement	Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, February 2009

Governmental Accounting Standards Board Statement	Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015
Office of Attorney General Publication	Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California, April 2023
U.S. Gov. Accountability Office & PCIE Publication	Government Auditing Standards, 2011
U.S. Gov. Accountability Office & PCIE Publication	Financial Audit Manual, revised 2008
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Governmental Accounting Standards Board - https://simbli.eboardsolutions.com/SU/fOzyLiplusQlvf5bslshbBggjhog==
Website	California State Controller - https://simbli.eboardsolutions.com/SU/GDLauCiDFI4Ms1eIPGARvA==
Website	U.S. Government Accountability Office - https://simbli.eboardsolutions.com/SU/HvuRwrDop7OnnXIYFVN3Mw==
Website	California Department of Education, Finance and Grants - https://simbli.eboardsolutions.com/SU/gCBslshNI2CDJqs24TpVv3gw==
Website	Education Audit Appeals Panel - https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshMg==
Website	California County Superintendents - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==
Website	Office of Management and Budget - https://simbli.eboardsolutions.com/SU/yMG7KarnCslshuDeihOx8ZiA==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDXg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Association of School Business Officials - https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTIb0g==

Cross References

Description

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==
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0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKKnJbgZ4Q3g==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gJBXCOuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRire2y6sA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshg==
3000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/cplusZbQcQ4TXPVaA1fQ7LQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUb1FQ==

3100 Budget - <https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

3110 Transfer Of Funds - <https://simbli.eboardsolutions.com/SU/xELplusS4ns0lplusGn859UZsLplusw==>

3220.1 Lottery Funds - <https://simbli.eboardsolutions.com/SU/tNTxuxbq4YZJksxnMer9Tg==>

3230 Federal Grant Funds - <https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==>

3230 Federal Grant Funds - <https://simbli.eboardsolutions.com/SU/ju3plusHslshtNCrtC98tuplusslshKYZA==>

3280 Sale Or Lease Of District-Owned Real Property - <https://simbli.eboardsolutions.com/SU/nl52FBYBISbzNGRG8CrhkQ==>

3280 Sale Or Lease Of District-Owned Real Property - <https://simbli.eboardsolutions.com/SU/dHav4DJJ4VVaplus02n5bFkg==>

3290 Gifts, Grants And Bequests - <https://simbli.eboardsolutions.com/SU/v0uP5OYKyNQGAvaslshoK4zOw==>

3300 Expenditures And Purchases - <https://simbli.eboardsolutions.com/SU/mVe0QYRtN4WLxpjXZCEPuQ==>

3312 Contracts - <https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3lIN3YWGplusw==>

3314 Payment For Goods And Services - <https://simbli.eboardsolutions.com/SU/IMVvTWVTSVQbQGQbrLH7xA==>

3314 Payment For Goods And Services - <https://simbli.eboardsolutions.com/SU/kJslshbA41fvAd26Fu7h7gj6w==>

3314.2 Revolving Funds - <https://simbli.eboardsolutions.com/SU/JslshEYCCuajlw6avqMYfuJug==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>

3430 Investing - <https://simbli.eboardsolutions.com/SU/9ZiG3CB1lgJx8AKxmhMdzQ==>

3430 Investing - <https://simbli.eboardsolutions.com/SU/bWwgTRtaFD6JWBdplnBDGA==>

3451 Petty Cash Funds - <https://simbli.eboardsolutions.com/SU/cdvnH9VTYXhqvYXPKI1AQ==>

3452 Student Activity Funds - <https://simbli.eboardsolutions.com/SU/vjVCbsjUiKNbDgyTEhRq5g==>

3470 Debt Issuance And Management - <https://simbli.eboardsolutions.com/SU/uaUO1PslshIQVjou0LbEBFgPg==>

3510 Green School Operations - <https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjLPPfUw==>

3551 Food Service Operations/Cafeteria Fund - <https://simbli.eboardsolutions.com/SU/HA2gFG5nbslshZWbOmKqMTJKw==>

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3580 District Records - <https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFoIlgJHPZg==>

4143 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

- 4143.1 Public Notice - Personnel Negotiations - <https://simbli.eboardsolutions.com/SU/KhFUplusG0plusg3d9rfQCzdt9w==>
- 4143.1 Public Notice - Personnel Negotiations - <https://simbli.eboardsolutions.com/SU/JKx9N5OuuccGqPNRGoO81g==>
- 4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==>
- 4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==>
- 4243 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>
- 4243.1 Public Notice - Personnel Negotiations - <https://simbli.eboardsolutions.com/SU/ZeDplusoNwbmq1UeXBwIUzrsA==>
- 4243.1 Public Notice - Personnel Negotiations - <https://simbli.eboardsolutions.com/SU/YqOJwKKHXkl7z8nEWVplusOZw==>
- 4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>
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- 4312.1 Contracts - <https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzZQXdjA==>
- 4331 Staff Development - <https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnlIsFw7ag==>
- 4354 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==>
- 4354 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/rplumwvksFJslufmMFbAX0vQ==>
- 5117 Interdistrict Attendance - <https://simbli.eboardsolutions.com/SU/fvV0QXPcOiX7slshONUTDvfsQ==>
- 5117 Interdistrict Attendance - <https://simbli.eboardsolutions.com/SU/ZSxhFm4cNesrhMObpLZKRQ==>
- 5126 Awards For Achievement - <https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==>
- 5126 Awards For Achievement - <https://simbli.eboardsolutions.com/SU/3vcVxdl9QTMjNZKGMbvug==>
- 6117 Year-Round Schedules - <https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==>
- 7210 Facilities Financing - <https://simbli.eboardsolutions.com/SU/jaHc0mFJdtV3xS6Nc0ZYgQ==>
- 7212 Mello-Roos Districts - <https://simbli.eboardsolutions.com/SU/cl8Zy2SNDA5mv3OCBlEg==>
- 7214 General Obligation Bonds - <https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==>
- 7214 General Obligation Bonds - <https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZlItK9cK5rUw==>
- 9000 Role Of The Board - <https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==>
- 9130 Board Committees - <https://simbli.eboardsolutions.com/SU/Z3ib9m8wsZRTsZmw45qE9Q==>
- 9140 Board Representatives - <https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==>

9322

Agenda/Meeting Materials -
<https://simbli.eboardsolutions.com/SU/UZTZ1VccJifG2tzL24yslshFw==>

Policy 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 03/01/2018 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following conditionally mandated policy may be revised to reflect district practice. Pursuant to U.S. Department of Agriculture's (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) are mandated to adopt policy addressing meal charges; see the section "Meal Sales" below and the accompanying administrative regulation. However, with the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, all public schools in California must provide free of charge, a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility status. Consequently, certain program requirements may no longer be applicable. For example, the California Department of Education (CDE) which, by law, provides guidance and oversight on the use of federal funding in nutrition programs, clarifies in Nutrition Services Division Management Bulletin SNP-04-2023 that districts that operate a non-pricing program such as the California Universal Meals Program, the Community Eligibility Program, or Provision 2 at all sites are not required to establish a meal charge policy because no students are charged for meals.

In view of the potential conflict between the federal requirement and CDE guidance, it is recommended that districts adopt this policy and accompanying administrative regulation which addresses meal charges, even if the district operates a non-pricing program such as the California Universal Meals Program. Districts with questions about meal charge policies should consult CSBA's District and County Offices of Education or district legal counsel.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to purchase land or buildings unless otherwise approved by USDA's Food and Nutrition Services, or to construct buildings. Authorized expenditures are specified in Education Code 38101 and defined in CDE's, "California School Accounting Manual."

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

CSBA NOTE: The following paragraph is for use by districts that participate in the National School Lunch and/or Breakfast Program and may be adapted for use by other districts. Pursuant to 42 USC 1776 and 7 CFR 210.30, USDA has established minimum professional standards for food service directors and granted CDE the authority to adopt more flexible standards for districts with average daily attendance of less than 2,500. See CDE's Nutrition Services Division Management Bulletin SNP-13-2020 for updated information about state hiring standards.

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

CSBA NOTE: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training, at least once each year, on food service administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures). In addition, all food service personnel are required to receive annual training that is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and to ensure program compliance and integrity. Food service personnel must obtain certification on an annual basis to demonstrate competence in the training. Such training is required to include modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. See CDE's website for online training that meets these requirements.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by CDE. (42 USC 1776)

Meal Sales

CSBA NOTE: In accordance with Education Code 49501.5, each district is required to provide a nutritionally adequate breakfast and lunch free of charge to any student who requests a meal, regardless of the student's eligibility for participation in the federal free or reduced-price meal program. Consequently, only nonprogram foods may be sold to students. For further information, see BP 3553 - Free and Reduced Price Meals.

Pursuant to Education Code 49495, as added by AB 558 (Ch. 905, Statutes of 2022), CDE has developed guidance, "Breakfast and Snacks for Nonschoolaged Children," available on its website, which provides information on the allowability and options for offering nonschoolaged children breakfast or a morning snack at a school site.

Any student who requests a meal shall be served a nutritionally adequate breakfast and lunch free of charge, each school day. (Education Code 49501.5)

As permitted by law, additional or second meals, adult meals, and other nonprogram foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49501.5)

Meals may be sold to district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

CSBA NOTE: Pursuant to Education Code 38082, the Governing Board is authorized to adopt a resolution to permit the serving of meals to individuals and organizations other than those specified in the preceding paragraph. CDE's Nutrition Services Division Management Bulletin SNP-04-2021 states that funds from the National School Lunch or Breakfast Program may not be used to serve any nonstudent, that the price of an adult meal must fully cover all costs incurred in the production of the meal, including USDA Food fair market value, and that the common practice of 50 cent markup method to price adult meals may not be in compliance with USDA FNS instruction. The following optional paragraph is for districts that have adopted such a resolution and should be revised to reflect district practice.

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are authorized by the Superintendent or designee to be on campus. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

CSBA NOTE: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias or other costs determined by Board resolution, which are paid from district funds other than the cafeteria fund, pursuant to Education Code 38100).

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

CSBA NOTE: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge policy. See the accompanying administrative regulation for additional language fulfilling this mandate.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

Cafeteria Fund and Account

CSBA NOTE: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200, Appendix VII and USDA Memorandum SP60-2016 provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and for reasonable and necessary indirect program costs as allowed by law.

CSBA NOTE: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

OPTION 1: (Food service employees paid from general fund)

The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time,

the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

OPTION 1 ENDS HERE

OPTION 2: (Food service employees paid from cafeteria fund)

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

OPTION 2 ENDS HERE

Contracts with Outside Services

CSBA NOTE: The following section is optional. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. Education Code 45103.5, 42 USC 1758, and 7 CFR 210.16 authorize a district, under specified conditions, and with approval of CDE, to contract with a food service management company to manage food service operations in any district school. See the accompanying administrative regulation for related requirements.

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

Procurement of Foods, Equipment and Supplies

CSBA NOTE: The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program.

Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. USDA's Memorandum SP 38-2017 clarifies that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to the Memorandum, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States. Districts should include a Buy American clause in all product specifications, solicitations, purchase orders, and any other procurement documents to ensure contractors are aware of this requirement.

Limited exceptions to the Buy American requirement are described in USDA's Memorandum SP 38-2017. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s).

Pursuant to Education Code 49563, CDE has made information available on its website; see the, "Buy American Provision," section in, "Procurement in the CNPs Frequently Asked Questions".

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

CSBA NOTE: Pursuant to Food and Agriculture Code 58596.3, as added by SB 490 (Ch. 602, Statutes of 2022), commencing on January 1, 2024, districts participating in the National School Lunch and/or Breakfast Program, except those with annual reimbursement of less than \$1,000,000, are also required to comply with the requirements specified in the following paragraph.

When soliciting for bids and contracts for the purchase of an agricultural food product, the district shall specify in the solicitation that only the purchase of agricultural food products grown, packed, or processed domestically is authorized, unless a specific exception applies. A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality, the quality of the domestic product is inferior to the quality of the nondomestic product, or the bid or price of the nondomestic product is more than 25 percent lower than the bid or price of the domestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception for three years from the date of purchase. (Food and Agriculture Code 58596.3)

CSBA NOTE: The following paragraph applies to all districts, whether or not they participate in the National School Lunch or Breakfast Program. Food and Agriculture Code 58595, as amended by AB 778 (Ch. 576, Statutes of 2022), requires a district to accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, when the conditions specified below are met.

Furthermore, the district shall accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price for domestic product produced outside the state. (Food and Agriculture Code 58595)

CSBA NOTE: Pursuant to Public Contract Code 20111, districts participating in a federally funded child nutrition program, such as the National School Lunch and/or Breakfast Program, must comply with the federal procurement standards of 2 CFR 200.318-200.326 in regard to bid solicitations and awards. Also see BP/AR 3230 - Federal Grant Funds. Districts that do not participate in such a program may revise the following paragraph.

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

CSBA NOTE: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. CDE performs an administrative review of participating districts every three years. See CDE's nutrition services website for a current list of documents that may be requested for the review.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by CDE to ensure compliance of the district's food service program with federal requirements.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
12 CCR 18928-18998.4	Short-lived climate pollutants
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 38080-38086	School meals - https://simbli.eboardsolutions.com/SU/Ga5pluswcqQP6OAif56GuzhXw==
Ed. Code 38090-38095	Cafeterias; funds and accounts - https://simbli.eboardsolutions.com/SU/G50LpmmxkJTUdf49zfl03g==
Ed. Code 38100-38103	Cafeterias; allocation of charges - https://simbli.eboardsolutions.com/SU/kzIRxWNA7cIMkpuAdB3BDQ==
Ed. Code 42646	Alternate payroll procedure - https://simbli.eboardsolutions.com/SU/GiLY4nWtmRMrsIshbjFr1Dx2A==
Ed. Code 45103.5	Contracts for management consulting services; restrictions - https://simbli.eboardsolutions.com/SU/rfUDyyB0KWbEnrSR6aRtGA==
Ed. Code 49490-49494	School breakfast and lunch programs - https://simbli.eboardsolutions.com/SU/slshkIEI45KMis2Nfu5WXrIBA==

Ed. Code 49500-49505	School meals - https://simbli.eboardsolutions.com/SU/FITqIb6u5SI3slshWUX9h3NMw==
Ed. Code 49550-49564.5	Meals for needy students - https://simbli.eboardsolutions.com/SU/apYfKshvfKaT8ryTPutYCw==
Ed. Code 49554	Contract for services - https://simbli.eboardsolutions.com/SU/ejIVHlrPFSOMuGghnSVRpA==
Ed. Code 49580-49581	Food recovery program - https://simbli.eboardsolutions.com/SU/Vka3IHpBLu5MvNbDpxPMwA==
F&A Code 58595	Preference for California-grown agricultural products - https://simbli.eboardsolutions.com/SU/e3LEgdRtCa3jRJAqqpAHLw==
F&A Code 58596.1-58596.5	Buy American Food Act; purchase of nondomestic agricultural food products - https://simbli.eboardsolutions.com/SU/plusqhmMRADRDerIWCDQKtAA==
H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements - https://simbli.eboardsolutions.com/SU/ysEqndaOMC3wM2O57C4pIA==
Pub. Cont. Code 2000-2002	Responsive bidders - https://simbli.eboardsolutions.com/SU/8xMbAzhKdz41E7CMFCcftw==
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder - https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==
Pub. Cont. Code 3410	U.S. produce and processed foods - https://simbli.eboardsolutions.com/SU/ZAAfslshJcPtso7EpKjSWbLtQ==

Federal References

	Description
2 CFR 200	Appendix VII Indirect cost proposals
2 CFR 200.318-200.326	Procurement standards
2 CFR 200.400-200.475	Cost principles
2 CFR 200.56	Indirect costs; definition
42 USC 1751-1769j	School Lunch Program
42 USC 1771-1793	Child Nutrition Act
42 USC 1773	School Breakfast Program
7 CFR 210.1-210.33	National School Lunch Program - https://simbli.eboardsolutions.com/SU/Lv8UWlOwAizNvSHss7IA9Q==
7 CFR 245.8	Nondiscrimination practices for students eligible for free and reduced price meal and free milk
7 CFR 250.1-250.70	USDA foods

Management Resources References

	Description
CA Department of Education Publication	California School Accounting Manual - https://simbli.eboardsolutions.com/SU/la6rEIHDCWXcWau3KBZu1Q==
CA Dept of Social Services Publication	Food Distribution Program Administrative Manual - https://simbli.eboardsolutions.com/SU/nyewplus2MYP1I2kFos0g6A1g==
California Department of Education Publication	Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023 - https://simbli.eboardsolutions.com/SU/mOufrFNwniFM1awCsekQig==
California Department of Education Publication	Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023 - https://simbli.eboardsolutions.com/SU/iYYHlmGF6owkXb4XplNhBg==

California Department of Education Publication	Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022 - https://simbli.eboardsolutions.com/SU/b6Fb17rDNsPE6BplusplusZCeag==
California Department of Education Publication	Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021 - https://simbli.eboardsolutions.com/SU/JJErkrXT0plusTm7TEk3vENNg==
California Department of Education Publication	Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015 - https://simbli.eboardsolutions.com/SU/0xehZuMNR6S4K7G3mA8voQ==
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018 - https://simbli.eboardsolutions.com/SU/zilcFJ8Mw0144yV2HXostA==
California Department of Education Publication	Cafeteria Funds - Allowable Uses, NSD Management Bulletin, SNP-05-2020, February 2020 - https://simbli.eboardsolutions.com/SU/cugWslshXJeDOCpthEHp4IbwA==
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019 - https://simbli.eboardsolutions.com/SU/dliI.wSfQIplusj24M3cU6ltPQ==
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022 - https://simbli.eboardsolutions.com/SU/HhAApjRqO50vmPvx0LITyA==
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016 - https://simbli.eboardsolutions.com/SU/oOOO2an7WbABMX4h7rKBGw==
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017 - https://simbli.eboardsolutions.com/SU/xznhgslshx8zWDqQgkfapjqr==
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014 - https://simbli.eboardsolutions.com/SU/eKLjV8LndCHGnHVlot6jw==
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016 - https://simbli.eboardsolutions.com/SU/2elvdTHdcMWZgr6swpV4lg==
U.S. Dept of Agriculture Publication	School Meals - FAQs - https://simbli.eboardsolutions.com/SU/QIjshp05vKZnC3p4Zaew4pw==
Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts - https://simbli.eboardsolutions.com/SU/5MtAj0JJaCbjmqbOslsh4XJkg==
Website	California Department of Education, Accounting - https://simbli.eboardsolutions.com/SU/9JFgsDtSvqtszhmrHXxDdg==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	U.S. Department of Agriculture, Food and Nutrition Service - https://simbli.eboardsolutions.com/SU/Wry6HD6BSTBkfn7BqplusR7BQ==
Website	California Department of Education, Nutrition Services Division - https://simbli.eboardsolutions.com/SU/O5xpn2rTFL2uz0BslshlorGXQ==
Website	California School Nutrition Association - https://simbli.eboardsolutions.com/SU/KnWOpY7WknrOcdh5fJ85QQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/fGzTnDYcSd9LBbPBAjyCBA==

1113 District And School Websites -
<https://simbli.eboardsolutions.com/SU/HUaNnxQUGejeapQgNRdsIshow==>

1113-E(1) District And School Websites -
<https://simbli.eboardsolutions.com/SU/bZCud1cO3YINckqcTnQMLw==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFERIre2y6sA==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==>

3100 Budget -
<https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjtUb1FQ==>

3100 Budget -
<https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

3110 Transfer Of Funds -
<https://simbli.eboardsolutions.com/SU/xELplusS4ns0lplusGn859UZsLplusw==>

3230 Federal Grant Funds -
<https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==>

3230 Federal Grant Funds -
<https://simbli.eboardsolutions.com/SU/ju3plusHslshtNCrtC98tuplusslshKYZA==>

3260 Fees And Charges -
<https://simbli.eboardsolutions.com/SU/LQXLI6xDhZNdYY6QxTcLjw==>

3260 Fees And Charges -
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3515.6 Criminal Background Checks For Contractors -
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3550 Food Service/Child Nutrition Program -
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Regulation 3551: Food Service Operations/Cafeteria Fund

Status: ADOPTED

Original Adopted Date: 03/01/2018 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: With the establishment of the California Universal Meal Program pursuant to Education Code 49501.5, all public schools in California must provide free of charge, a nutritionally adequate breakfast and lunch to any student who requests a meal, regardless of the student's free or reduced-price meal eligibility status. To receive state reimbursement for the two meals, districts must participate in both the National School Lunch Program and the School Breakfast Program and comply with the requirement to have a written and clearly communicated meal charge policy as mandated pursuant to U.S. Department of Agriculture's (USDA) Memorandum SP 46-2016. However, some requirements of the National School Lunch Program and/or School Breakfast Program are no longer applicable.

The California Department of Education's (CDE) Nutrition Services Division Management Bulletin SNP-04-2023 clarifies that districts that operate a non-pricing program such as the California Universal Meals Program, the Community Eligibility Program, or Provision 2 at all sites are not required to establish a meal charge policy because no students are charged for meals. However, if any school in the district charges for meals because it does not only operate a non-pricing program at all sites, the district is mandated to adopt and communicate a meal charge policy.

In view of the potential conflict between the federal requirement and CDE guidance, it is recommended that districts adopt this administrative regulation and accompanying Board policy which addresses meal charges, even if the district operates a non-pricing program such as the California Universal Meals Program. Districts with questions about meal charge policies should consult CSBA's District and County Offices of Education or district legal counsel.

The district may revise the following paragraphs accordingly.

Payments for Meals

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, the Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of eligibility forms at the start of the school year
4. Posting the policy on the district's website

Reimbursement Claims

CSBA NOTE: Pursuant to Education Code 49501.5, as amended by SB 114 (Ch. 48, Statutes of 2023), CDE is required to provide state meal reimbursement to districts that participate in, and meet the requirements of, the federal School Breakfast Program and National School Lunch Program, and any applicable state laws or regulations, for reduced-price and paid meals served to students. For additional information on California's Universal Meals Program, see BP/AR 3550 - Food Service/Child Nutrition Program and BP/AR 3553 - Free and Reduced Price Meals.

To streamline administration of state and federal meal programs, CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free and reduced-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

The District shall take steps to minimize food waste and reduce food insecurity in district schools. (Health and Safety Code 114079)

CSBA NOTE: Beginning January 1, 2024, districts with an on-site food facility, such as a school cafeteria, are required to donate edible food that would otherwise be thrown away to a food recovery organization, unless the district demonstrates the existence of extraordinary circumstances beyond its control that makes such compliance impracticable. Additionally, pursuant to 14 CCR 18995.1 and 18995.4, beginning January 1, 2024, districts with an on-site food facility will be inspected by the governmental entity that provides solid waste collection services regarding its edible food recovery program and may be issued a Notice of Violation for noncompliance. If a Notice of Violation is issued, compliance is required within 60 days, unless extended by the enforcing agency because compliance is impracticable due to extenuating circumstances, as specified in 14 CCR 18991.3. For more information regarding organic waste reduction requirements, including a model edible food recovery agreement, see CalRecycle's, "Resources for Local Education Agencies: K-12 Public Schools and School Districts," available on its website. Also see BP/AR 3511.1 -- Integrated Waste Management for additional requirements related to waste diversion and recovery.

The Superintendent or designee shall arrange to recover the maximum amount of edible food that would otherwise be disposed for donation to a local food recovery organization. (14 CCR 18991.3)

The district may also provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

The Superintendent or designee shall maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the district's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the district, and a copy of contracts or written agreements between the district and food recovery services or organizations. (14 CCR 18991.4)

Cafeteria Fund and Account

CSBA NOTE: Education Code 38093 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

CSBA NOTE: Education Code 38101 permits a district, with approval from CDE, to utilize cafeteria funds to pay for the purchase of a mobile food facility. However, if the district uses federal reimbursements from any of the federal child nutrition programs for such purchase, the mobile food facility shall only be used to support the administration of those federal programs. Mobile food facilities used for any purposes other than to support the administration of federal child nutrition programs shall not be purchased with cafeteria funds.

The cafeteria fund shall be used only for those expenditures authorized by the Governing Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

CSBA NOTE: The following paragraph is optional. By law, cafeteria funds may be used for the operation and improvement of school food services. For example, pursuant to Education Code 49550.5, districts may use cafeteria funds to supplement the cost of providing universal breakfast provided they submit the required certification to CDE.

The district may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to district students when permitted by law.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the purpose of and basis for the expenditure. (Education Code 38101)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. 2 CFR Part 200 Appendix VII, USDA's guidance, "SP 60-2016," and CDE's website, "Frequently Asked Questions about Indirect Costs," provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

CSBA NOTE: Pursuant to 7 CFR 210.14 and 220.7, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months' average expenditures or such other amount as may be approved by CDE. If there is a surplus, then according to USDA's guidance, "Indirect Costs: Guidance for State Agencies and School Food Authorities," the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. CDE's Nutrition Services Division Management Bulletin SNP-04-2022 states that in an effort to provide flexibility to districts affected by various natural disasters and recovery from the COVID-19 pandemic, CDE has increased the excess net cash resources limitation to six months' average operating expenditures.

Net cash resources in the nonprofit school food service shall not exceed six months' average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

CSBA NOTE: The following optional section is for use by districts that participate in the National School Lunch Program and receive foods from USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. CDE is responsible for ordering and distributing USDA foods for use in California schools.

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

CSBA NOTE: The following optional section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts the district maintains; see the accompanying Board policy.

Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-05-2023, a district that participates in the School Nutrition Programs must obtain prior CDE approval for all food service management company Request for Proposals, Invitation for Bids, proposed contracts, contracts, and contract amendments. Districts currently using, or planning to use, the services of a food service management company must conduct a competitive procurement process. CDE suggests districts submit their bid solicitation documents in January, or at least 120 days prior to the anticipated contract execution date, whichever comes first. See AR 3311 - Bids for additional information on bidding requirements.

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
12 CCR 18928-18998.4	Short-lived climate pollutants
5 CCR 15550-15565	School lunch and breakfast programs
Ed. Code 38080-38086	School meals - https://simbli.eboardsolutions.com/SU/Ga5pluswccqQP6OAif56GuzhXw==
Ed. Code 38090-38095	Cafeterias; funds and accounts - https://simbli.eboardsolutions.com/SU/G50LpmmxkJTUdf49zfl03g==
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F&A Code 58595	Preference for California-grown agricultural products - https://simbli.eboardsolutions.com/SU/e3LEgdRtCa3jRJAqqpAHLw==
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H&S Code 113700-114437	California Retail Food Code; sanitation and safety requirements - https://simbli.eboardsolutions.com/SU/ysEqndaOMC3wM2O57C4pIA==
Pub. Cont. Code 2000-2002	Responsive bidders - https://simbli.eboardsolutions.com/SU/8xMbAzhKdz41E7CMFCcftw==
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Federal References

2 CFR 200

2 CFR 200.318-200.326

2 CFR 200.400-200.475

2 CFR 200.56

42 USC 1751-1769j

42 USC 1771-1793

42 USC 1773

7 CFR 210.1-210.33

7 CFR 245.8

7 CFR 250.1-250.70

Description

Appendix VII Indirect cost proposals

Procurement standards

Cost principles

Indirect costs; definition

School Lunch Program

Child Nutrition Act

School Breakfast Program

National School Lunch Program -
<https://simbli.eboardsolutions.com/SU/Lv8UWl0wAizNvSHss7IA9Q==>

Nondiscrimination practices for students eligible for free and reduced price meal and free milk

USDA foods

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CA Department of Education Publication

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California Department of Education Publication

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U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016 - https://simbli.eboardsolutions.com/SU/2elvdTHdcMWZgr6swpV4lg==
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Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts - https://simbli.eboardsolutions.com/SU/5MtAj0JJaCbmqbOslsh4XJkg==
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3110	Transfer Of Funds - https://simbli.eboardsolutions.com/SU/xELplusS4ns0lplusGn859UZsLplusw==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/GcBT9DgYisUnjQODWlc0Og==
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3314.2	Revolving Funds - https://simbli.eboardsolutions.com/SU/JslshEYCCuajlw6avqMYfuJug==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/IFQ3rmGZ279rXIBTcVVFslshA==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/YmEZnZWD4fplusObiWdUGpphA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjLPPfUw==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/iAnyY3u49coMifpxvKeARg==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUFSsb7fbslshw==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/l4jF0jxd0T01A6OIQagmqg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Y01UYQzBbtdljM51C9plusZpA==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/wzUihV3gK9PplusFxGH4lt0Ew==
3552	Summer Meal Program - https://simbli.eboardsolutions.com/SU/byXci7oy4EQvJziZSatkag==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/N7wbmm9H944SplusVnwq4l9g==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/5MEfuuu2ZJemVftwplusskZYw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/XA2ZvkzJLpluswEugplusbBS1IVw==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/npluszuymEvcWm0UlgSnn6laQ==
3555	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/StbkLHZ6bnplusQuoyiUFslshytw==

3555-E(1)	Nutrition Program Compliance - https://simbli.eboardsolutions.com/SU/s90UEaxRibgHslsh6KHoiQwXw==
3580	District Records - https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==
3580	District Records - https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFoIgjHPZg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/slLMslshxLI2YOPYoMMU2U7w==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOmqqEEHCuvAIA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIbFE9slshf2AlnllsFw7ag==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKiInplusCH4n5fplusplusl8ljA==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/OOJDgERnjwx8GUWBtYOKOw==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/wvYNz0FFrs9dh3AXIIoAQQ==

Policy 4151: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following optional policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

CSBA NOTE: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether the employees are engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Additionally, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the website of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions; see BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee must be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

CSBA NOTE: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Wage Overpayment

CSBA NOTE: Education Code 44042.5, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023), requires districts to follow the process specified below when a wage overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, 2022, such agreements shall be controlling until the expiration or renewal of such agreements. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the overpayment, the district shall initiate legal action and obtain a court order or binding arbitration decision. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the district and exclusive representative sets forth procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==
Ed. Code 44042.5	Wage overpayment - https://simbli.eboardsolutions.com/SU/mbPycNbT3du2filYWiaMTw==
Ed. Code 45022-45061.5	Salaries - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45023	Availability of salary schedule - https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VknV3aoiEQ==
Ed. Code 45028	Salary schedule and exceptions - https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOussIshLXH7UAQ==
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTfOsRHA==

Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45268	Salary schedule for classified service in merit system districts - https://simbli.eboardsolutions.com/SU/UFkslshZiAGCUUrGfuxi6orrg==
Ed. Code 45500	Classified School Employee Summer Assistance Program - https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==
Gov. Code 3540-3549	Meeting and negotiating - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwavn7ug==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 3543.7	Duty to meet and negotiate in good faith - https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==
Lab. Code 226	Employee access to payroll records - https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==
Lab. Code 232	Disclosure of wages - https://simbli.eboardsolutions.com/SU/uEvs1shl0HNyJkvBWxKPM5ZslshA==

Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources References

	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDs1shXk6R5akQ==
Website	U.S. Department of Labor, Wage and Hour Division - https://simbli.eboardsolutions.com/SU/iay7fplusDOKLflDyGDwmHQA==
Website	Internal Revenue Service - https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOINPGdklshZR9e7VNuDXg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==

3100 Budget - <https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUb1FQ==>

3100 Budget - <https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==>

4000 Concepts And Roles - <https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==>

4030 Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==>

4030 Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==>

4112.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==>

4113.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==>

4121 Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>

4121 Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivulm8gA==>

4140 Bargaining Units - <https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==>

4141 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==>

4143 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==>

4212 Appointment And Conditions Of Employment - <https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==>

4212.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/KbLHKGe9pjr4mAvofXVNPQ==>

4213.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==>

4240 Bargaining Units - <https://simbli.eboardsolutions.com/SU/kMHnDUq3Yn0cMNR4qNDagw==>

4241 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

4243 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSVtT8tew==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/4MRmuj4J0iqDWVVDL3OkzA==>

- 4312.1 Contracts -
<https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>
- 4312.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/2mkBiyN7o2Uc0MQ8xW1hiA==>
- 4313.5 Working Remotely -
<https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==>
- 4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Qqu6Q==>
- 4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==>
- 4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/rplumwwksFJslufmMFbAX0vQ==>

Regulation 4217.3: Layoff/Rehire

Status: ADOPTED

Original Adopted Date: 11/01/2003 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following optional regulation is subject to collective bargaining, and may be deleted by those districts whose agreements fully cover the provisions specified below.

Education Code 45114, 45117, 45298, and 45308 establish the procedures by which the Governing Board may lay off and reemploy classified employees.

Because of the complexity of related Education Code provisions and the interaction with collective bargaining agreements, it is strongly recommended that the district consult with CSBA's District and County Office of Education Legal Services or district legal counsel before instituting layoff proceedings.

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

CSBA NOTE: For any district whose average daily attendance (ADA) is under 250,000, Education Code 45308, as amended by SB 913 (Ch. 920, Statutes of 2022), defines "length of service" as employees' hours in paid status (Option 1 below). However, such a district may instead choose to enter into an agreement with the exclusive representative of classified employees to determine "length of service" based on an employee's date of hire (Option 2 below).

For any district with an ADA of 250,000 or higher, Education Code 45308 requires length of service to be based on the date of hire; such districts should select Option 2 below.

"Date of hire" is not defined in the law and could refer to the employee's first date of hire in the district or the employee's date of hire in the classification or higher classification. Districts selecting Option 2 below may revise the applicable paragraph to reflect the definition determined by the district or by agreement with the exclusive representative of classified employees, as applicable.

OPTION 1: (For districts with average daily attendance (ADA) under 250,000 that do not have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire)

Length of service means all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. However, length of service shall not include hours compensated solely on an overtime basis, as provided for Education Code 45128, and shall not include hours for any service performed prior to entering into probationary or permanent status except for service in a restricted position pursuant to Education Code 45105. (Education Code 45308)

The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. (Education Code 45308)

For an employee who is a member of the Military Reserve or the National Guard, length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war. (Education Code 45297, 45308)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

OPTION 1 ENDS HERE

OPTION 2: (For districts with ADA under 250,000 that have an agreement with the exclusive representative of classified employees to determine length of service as employee's date of hire, and for districts with ADA over 250,000)

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time in

the class, plus higher classes, by the district shall be laid off first. (Education Code 45308)

OPTION 2 ENDS HERE

CSBA NOTE: The following paragraph applies to both Options 1 and 2. Pursuant to Education Code 45105 and 45259, persons employed in "restricted positions" are classified employees. However, they do not acquire permanent status or seniority credits unless they satisfy the conditions specified below.

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine the length of service, provided the employee has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

Notice of Layoff and Hearing Rights

CSBA NOTE: Education Code 45117 applies to both districts that have adopted the merit system and those that have not. Education Code 45117 specifies notice requirements and hearing rights the district must provide to permanent classified employees, as defined, who are subject to layoff due to lack of work or lack of funds, including that notice be given no later than March 15. If a permanent classified employee is not given the required notice and a right to a hearing in accordance with law, the employee is deemed reemployed for the next school year.

Pursuant to Education Code 45117 a "permanent employee" is defined as an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice.

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the Superintendent or designee shall, no later than March 15 and before the employee is given formal notice by the Governing Board, give to the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The Superintendent or designee shall serve an employee who timely requests a hearing with District Statement of Reduction in Force documents. The employee has five calendar days from service of the documents to timely file a notice of participation with the district. The parties are entitled to discovery, if requested within 15 days of service. (Education Code 45117)

CSBA NOTE: Education Code 45117 allows permanent classified employees given notice of a layoff to request a hearing before an administrative law judge. Education Code 45117, as amended by AB 185 (Ch. 571, Statutes of 2022), authorizes such employee to be represented at the hearing by an attorney or by a nonattorney representative of the employee organization designated as the exclusive representative of the district's classified employees. On or before May 7, the administrative judge is required to submit the proposed decision, containing a determination as to the sufficiency of the cause and a recommendation as to disposition regarding the layoff, to the Board for consideration and to the affected employee(s).

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with Government Code 11500-11529. At the hearing, the employee may be represented by an attorney or by a nonattorney representative of the employee organization designated as the exclusive representative for classified employees. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the Superintendent or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case such date may be extended by the number of days of the continuance. (Education Code 45117)

CSBA NOTE: Pursuant to Education Code 45117, the district may reduce classified staff due to lack of work or lack

of funds when the Board determines, during the time between five days after the enactment of the Budget Act and August 15, that the district's total local control funding formula apportionment per unit of ADA for the fiscal year of the Budget Act has not increased by at least two percent.

If during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

When classified positions are eliminated as a result of the expiration of a specifically funded program, the district shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The district is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the district may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

Reemployment

CSBA NOTE: The following optional section specifies the rights of employees who are laid off or who take voluntary demotion or reduction in assigned time in lieu of layoff. Pursuant to Education Code 45308, laid-off classified employees have reemployment rights which are enforced in order of seniority rather than reverse order of layoff. In *Tucker v. Grossmont Union High School District*, a California appellate court ruled that a laid-off employee's reemployment right entitled the employee to preference over any new applicant to available positions for which the employee is qualified, including positions in different classes from which the employee was laid off.

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

CSBA NOTE: Pursuant to *San Mateo City School District v. Public Employment Relations Board*, districts may adopt procedures which implement Education Code 45113 and 45114 as long as such procedures do not replace or set aside mandatory Education Code provisions. These procedures may be adopted pursuant to Board policy and/or collective bargaining agreement.

The following optional paragraph should be deleted by districts with a collective bargaining agreement that contains reemployment procedures, unless the district also has unrepresented classified employees.

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the district of the decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, the employee shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

CSBA NOTE: The following paragraph is optional and may be modified to reflect district practice.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

CSBA NOTE: An argument can be made that, absent a collective bargaining provision to the contrary, once a district has offered a laid-off classified employee a position pursuant to the employee's reemployment rights under Education Code 45298 and that employee has refused the position, the district has discharged its duty to that employee. Whether such action conflicts with an employee's statutory right to reemployment is unclear.

The following two optional paragraphs should be used only with the approval of CSBA's District and County Office

of Education Legal Services or the district's legal counsel; the number of refusals that will trigger the removal of the employee's name from the district's reemployment list should be modified accordingly.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, the employee's name shall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

CSBA NOTE: The following optional section should be deleted by districts that do not reinstate laid-off employee benefits upon reemployment and those whose collective bargaining agreements address the issue.

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 45101	Definitions; disciplinary action and cause - https://simbli.eboardsolutions.com/SU/hgmslshSjgIUkul81naAtyEIQ==
Ed. Code 45103	Classified service in districts not incorporating the merit system - https://simbli.eboardsolutions.com/SU/NJ3x1mSOGslshplusdAG7Mgplus0dplusw==
Ed. Code 45105	Positions under various acts not requiring certification qualifications - https://simbli.eboardsolutions.com/SU/MpoolN7GjspluslbHmcb9IRJQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==

Ed. Code 45114	Layoff and reemployment procedures; definitions - https://simbli.eboardsolutions.com/SU/IPLNTZjf5D8qkP7sYLdDFw==
Ed. Code 45115	Layoff; reinstatement from service retirement - https://simbli.eboardsolutions.com/SU/JsRbgsIshj3RdUDVdTIplusyoxZw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45286	Limited term employees - https://simbli.eboardsolutions.com/SU/rG3xzip7Zs5IWHocIKq7hA==
Ed. Code 45297	Right to take equivalent examination while employee in military service - https://simbli.eboardsolutions.com/SU/vAYyD4uO8At0qpEP3v35Q==
Ed. Code 45298	Reemployment of persons laid off; voluntary demotions or reductions in time - https://simbli.eboardsolutions.com/SU/D3cQJpnR1HJ5IG5fRhechQ==
Ed. Code 45308	Order of layoff and reemployment; length of service - https://simbli.eboardsolutions.com/SU/7Uqsslshr2x58VWaplusZrn5ZI5g==
Ed. Code 45309	Reinstatement of permanent noncertified employees after resignation - https://simbli.eboardsolutions.com/SU/1wplusX8i4CcvbUI9SrmgTddg==
Gov. Code 11500-11529	Administrative adjudication; formal hearings - https://simbli.eboardsolutions.com/SU/FA0CcBSXGeMKeEphk0aOkg==

Federal References

Description

38 USC 4301-4335 Employment and reemployment rights of members of the uniformed services

Management Resources References

Description

Court Decision San Mateo City School District v. Public Employment Relations Board (1983)
33 Cal.3d 850

Court Decision Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640

Website CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Cross References

Description

1240 Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULaslsh6slshY5Cf==>

1240 Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==>

4032 Reasonable Accommodation -
<https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==>

4112.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==>

4112.9-E(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/jPx8jp1DNslshIshBRM8z4vxA==>

4121 Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>

4121 Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/Eytsh362LVDh2oTivuLm8gA==>

4161.11 Industrial Accident/Illness Leave -
<https://simbli.eboardsolutions.com/SU/HD5z3OqhJS1829uMir9NEw==>

4161.5 Military Leave -
<https://simbli.eboardsolutions.com/SU/slshzhSMPaLMK48eK1c33Zkgw==>

4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/yLpsho8dWwR0yRemgJW4vw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJOYndqnU7HBTrG0G6IY9g==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/K7UxHCgsjslshAnqgVX15hFcA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/BM0f3isjOjplus5BpyfQ0BfEQ==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/nbdXrBTUQEYhc6HulNwIVA==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/ZPIZich1SwTFGupTslshah6Og==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/XN6WEjaszaScIkY0jPtQZA==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihes2DRXblzgW5Aplus4xw==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/6ECKMs84Fb4pMwD07UkXqA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/4EWIBkwbHvWmLv0IznxuLw==

Policy 4251: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following optional policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

CSBA NOTE: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether the employees are engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Additionally, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the website of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions; see BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee must be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

CSBA NOTE: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Wage Overpayment

CSBA NOTE: Education Code 44042.5, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023), requires districts to follow the process specified below when a wage overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, 2022, such agreements shall be controlling until the expiration or renewal of such agreements. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the overpayment, the district shall initiate legal action and obtain a court order or binding arbitration decision. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the district and exclusive representative sets forth procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==
Ed. Code 44042.5	Wage overpayment - https://simbli.eboardsolutions.com/SU/mbPycNbT3du2filYWiaMTw==
Ed. Code 45022-45061.5	Salaries - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45023	Availability of salary schedule - https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VknV3aoiEQ==
Ed. Code 45028	Salary schedule and exceptions - https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOussIshLXH7UAQ==
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTfOsRHA==

Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45268	Salary schedule for classified service in merit system districts - https://simbli.eboardsolutions.com/SU/UFkSlshZiAGCUUrGfuxi6orrg==
Ed. Code 45500	Classified School Employee Summer Assistance Program - https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==
Gov. Code 3540-3549	Meeting and negotiating - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwan7ug==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 3543.7	Duty to meet and negotiate in good faith - https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==
Lab. Code 226	Employee access to payroll records - https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==
Lab. Code 232	Disclosure of wages - https://simbli.eboardsolutions.com/SU/uEvsLshl0HNyJkvBWxKPM5ZslshA==

Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources References

	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsLshXk6R5akQ==
Website	U.S. Department of Labor, Wage and Hour Division - https://simbli.eboardsolutions.com/SU/iay7fplusDOKLflDyGDwmHQA==
Website	Internal Revenue Service - https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDXg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==

3100 Budget - <https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUb1FQ==>

3100 Budget - <https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==>

3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==>

4000 Concepts And Roles - <https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==>

4030 Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==>

4030 Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==>

4112.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==>

4113.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==>

4121 Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>

4121 Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivulm8gA==>

4140 Bargaining Units - <https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==>

4141 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==>

4143 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==>

4212 Appointment And Conditions Of Employment - <https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==>

4212.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/KbLHKGe9pjr4mAvofXVNPQ==>

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4240 Bargaining Units - <https://simbli.eboardsolutions.com/SU/kMHnDUq3Yn0cMNR4qNDagw==>

4241 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

4243 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

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- 4312.1 Contracts -
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<https://simbli.eboardsolutions.com/SU/2mkBiyN7o2Uc0MQ8xW1hiA==>
- 4313.5 Working Remotely -
<https://simbli.eboardsolutions.com/SU/XFD8zwSIINB0slshTd0FRHWCQ==>
- 4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/YHLI3AUWFo0PSPv62Qqu6Q==>
- 4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==>
- 4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/rplumwwksFJslufmMFbAX0vQ==>

Policy 4351: Employee Compensation

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Districts that include provisions related to employee compensation in their collective bargaining agreements should modify or delete the following optional policy accordingly.

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

CSBA NOTE: Education Code 45023 and 45162 require the Governing Board to adopt salary schedules for certificated and classified employees, respectively. For districts operating under a merit system, Education Code 45268 specifies that the personnel commission will recommend a salary schedule for classified employees to the Board for approval and that the Board may not amend the schedule without first giving the commission an opportunity to respond to the amendments.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 45038, certificated employees may be paid once every two weeks, twice a month, or once every four weeks. The Board may also choose to pay certificated employees, or one or more individual employees, in 10, 11, or 12 equal payments over the year. Education Code 45039 provides that, if the Board arranges to pay certificated employees in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, regardless of whether the employees are engaged in teaching during the month. Education Code 45165 addresses salary payments for classified employees who are employed 9-11 months per year.

Additionally, pursuant to Education Code 45500, districts may participate in the Classified School Employee Summer Assistance Program whereby eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments.

Education Code 45048 and 45165 provide specific timelines for issuing salary payments depending on the frequency of payments. If payments are not made in a timely manner, the district is required to pay the employee interest on the unpaid amount.

The following paragraph may be revised to reflect the payroll schedule determined by the Board.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

CSBA NOTE: According to Office of Management and Budget Memorandum M-20-17, during extraordinary circumstances, such as a pandemic, which interrupt district operations, employees paid with federal grant funds can continue to be paid out of federal grant funds as long as other similarly situated employees paid with nonfederal funds are continuing to get compensated. The following optional paragraph establishes such emergency contingencies so that the Board may continue to provide employee compensation during such times.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

CSBA NOTE: Pursuant to 29 CFR 516.4, districts are required to post a notice of the minimum wage provisions of the Fair Labor Standards Act (FLSA) (29 USC 201-219) in a conspicuous place at all work sites. The poster that must be used by state and local governments is available on the website of the U.S. Department of Labor's Wage and Hour Division.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

CSBA NOTE: Pursuant to the FLSA (29 CFR 553.20) and Education Code 45128, employees who are not specifically exempted by law, including classified employees in both merit and non-merit system districts, must receive overtime pay or compensatory time off at a rate not less than one and one-half times their regular rate of pay for hours worked in excess of eight hours in any one day and/or in excess of 40 hours per calendar week. However, if the Board has established a work day of less than eight hours but at least seven hours, and a work week of less than 40 hours but at least 35 hours, all time worked in excess of the established work schedule must be deemed overtime.

Pursuant to Education Code 45130, districts are not required to pay overtime for any classified positions established by the Board, or by the personnel commission in a merit system district, as supervisory, administrative, or executive. In approving positions for exclusion from the overtime provisions, the Board or personnel commission must certify in writing that the duties, flexibility of hours, salary, benefit structure, and authority of the positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions; see BP/AR 4300 - Administrative and Supervisory Personnel. However, Education Code 45130 requires that, if a classified employee in an exempt position is required to work on a holiday designated in law or by the Board, the employee must be paid the regular pay for that day plus compensation or compensatory time off at a rate not less than the employee's normal rate of pay.

Overtime pay requirements are also not applicable to school administrators or teachers in elementary or secondary schools under specific exemptions in 29 USC 213 and 29 CFR 541.303. Pursuant to 29 CFR 541.303 and 541.600, teachers do not need to meet the salary level requirement to be exempt from overtime rules. 29 CFR 541.204 provides that, to be exempt from overtime rules, administrators must either meet the salary level requirement or be compensated on a salary basis that is at least equal to the entrance salary for teachers in the administrator's school.

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

CSBA NOTE: The following optional paragraph is for use by districts that allow employees to take compensatory time off in lieu of overtime compensation as authorized by 29 USC 207 and 29 CFR 553.20-553.25. Time off in lieu of overtime compensation is allowed only if provided for in a collective bargaining agreement or other agreement and must be provided at the rate of at least one and one-half hours for each hour of overtime work.

Pursuant to 29 CFR 553.21, an employee must be allowed to use earned compensatory time within a "reasonable period" after making the request. 29 CFR 553.25 provides that a "reasonable period" is determined on a case-by-case basis by considering customary work practices such as the normal work schedule, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff. Education Code 45129 provides that the compensatory time off must be used within 12 calendar months.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Wage Overpayment

CSBA NOTE: Education Code 44042.5, as added by AB 185 (Ch. 571, Statutes of 2022) and amended by SB 114 (Ch. 48, Statutes of 2023), requires districts to follow the process specified below when a wage overpayment is made to a district employee. If the provisions of this section are in conflict with a collective bargaining agreement or a memorandum of understanding that was in effect on July 31, 2022, such agreements shall be controlling until the expiration or renewal of such agreements. The district should consult CSBA's District and County Office of Education Legal Services or district legal counsel when questions arise about legal requirements for specific wage overpayments.

If, following the determination of an overpayment, the employee disputes the overpayment, the district shall initiate legal action and obtain a court order or binding arbitration decision. Binding arbitration may only apply to such overpayment disputes if a memorandum of understanding between the district and exclusive representative sets forth procedures for adjudicating such wage overpayment disputes that meet the minimum requirements set forth in Education Code 44042.5.

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees - https://simbli.eboardsolutions.com/SU/tzcskMByhZR7xDG1FYf0Ww==
Ed. Code 44042.5	Wage overpayment - https://simbli.eboardsolutions.com/SU/mbPycNbT3du2filYWiaMTw==
Ed. Code 45022-45061.5	Salaries - https://simbli.eboardsolutions.com/SU/MPsavJrZ5c7fZDRzj1e1aQ==
Ed. Code 45023	Availability of salary schedule - https://simbli.eboardsolutions.com/SU/H1jOWDs2CTq8VknV3aoiEQ==
Ed. Code 45028	Salary schedule and exceptions - https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOussIshLXH7UAQ==
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTfOsRHA==

Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45268	Salary schedule for classified service in merit system districts - https://simbli.eboardsolutions.com/SU/UFkSlshZiAGCUUrGfuxi6orrg==
Ed. Code 45500	Classified School Employee Summer Assistance Program - https://simbli.eboardsolutions.com/SU/Ly2GDfyx8ZsLzQeYgXoRMQ==
Gov. Code 3540-3549	Meeting and negotiating - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwau7ug==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 3543.7	Duty to meet and negotiate in good faith - https://simbli.eboardsolutions.com/SU/EK7EVChwaVpvjbgJU6R7A==
Lab. Code 226	Employee access to payroll records - https://simbli.eboardsolutions.com/SU/gFehyU2uL6SRljTslsh6oSjLA==
Lab. Code 232	Disclosure of wages - https://simbli.eboardsolutions.com/SU/uEvslshl0HNyJkvBWxKPM5ZslshA==

Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements

Management Resources References

	Description
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsLshXk6R5akQ==
Website	U.S. Department of Labor, Wage and Hour Division - https://simbli.eboardsolutions.com/SU/iay7fplusDOKLflDyGDwmHQA==
Website	Internal Revenue Service - https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOINPGdklshZR9e7VNuDXg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5Kl2ziA==

3100 Budget - <https://simbli.eboardsolutions.com/SU/jyvplusBDTDZP2PfaNjUb1FQ==>

3100 Budget - <https://simbli.eboardsolutions.com/SU/msAckulxvwNnuplus45O6T7slshw==>

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3400 Management Of District Assets/Accounts - <https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>

3580 District Records - <https://simbli.eboardsolutions.com/SU/oUKwNocrXXzS22jsg93hnA==>

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4030 Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/q5LQp0nvMo21IV4uEGCTeg==>

4030 Nondiscrimination In Employment - <https://simbli.eboardsolutions.com/SU/zQYslshTD3a6MyslshXofBPTiXIQ==>

4112.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/F3MOG9L3jixT1WntVCxpiA==>

4113.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==>

4121 Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>

4121 Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivulm8gA==>

4140 Bargaining Units - <https://simbli.eboardsolutions.com/SU/wO9BPi6xwq0evtWw2cW5WQ==>

4141 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==>

4143 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/TxBly57pE2FTcHrMSRZbfg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==>

4212 Appointment And Conditions Of Employment - <https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==>

4212.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/KbLHKGe9pjr4mAvofXVNPQ==>

4213.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==>

4240 Bargaining Units - <https://simbli.eboardsolutions.com/SU/kMHnDUq3Yn0cMNR4qNDagw==>

4241 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

4243 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSVtT8tew==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkzrA==>

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<https://simbli.eboardsolutions.com/SU/2mkBiyN7o2Uc0MQ8xW1hiA==>
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<https://simbli.eboardsolutions.com/SU/plusE0GMUC0mfjQbplusslshslsh4TDlslshQ==>
- 4354 Health And Welfare Benefits -
<https://simbli.eboardsolutions.com/SU/rplumwwksFJslufmMFbAX0vQ==>

Policy 5131.9: Academic Honesty

Status: ADOPTED

Original Adopted Date: 06/01/1987 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following policy is optional and may be revised to reflect district practice.

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize, or commit other acts of academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Prohibited and Permitted Technology Use

CSBA NOTE: The following section addresses student use of technology, such as artificial intelligence (AI), as it relates to academic honesty, and may be modified to reflect district practice. The U.S. Department of Education Office of Educational Technology's, "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challenges in doing so, and recommendations to guide further policy development. Districts are encouraged to continue to monitor the development of new technologies, including AI, and, as needed, consult with CSBA's District and County Office of Education Legal Services or district legal counsel. For more information on student use of technology, see BP 6163.4 - Student Use of Technology.

As the district's standards for academic achievement are designed to challenge all students to reach their full potential in acquiring the knowledge and skills needed for success in postsecondary education, employment, and responsible citizenship, any use of technology that prevents or inhibits a student from achieving these standards is prohibited. Prohibited uses include, but are not limited to, using technology primarily or solely for the completion of coursework as a student's original work and generating answers to mathematical, scientific, or analytical problems.

Permitted uses of technology include, but are not limited to, conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications.

Additionally, consistent with the limitations expressed in this policy and with teacher consent, students may also use technology to assist with assessments, homework, and/or makeup work or other uses approved by the teacher.

CSBA NOTE: A student who has been identified as a student with a disability may require assistive technology devices and services, including the use of AI. Pursuant to Education Code 56341.1, a student's Individualized Education Program team must consider whether a student with a disability needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. For more information regarding assistive technology for a student with a disability, see AR 6159 - Individualized Education Program.

However, a student with a disability shall be permitted to use technology for any purpose identified in the student's individualized education program as a tool to support the student's learning.

If an employee suspects that a student has used technology in violation of this policy, the student shall be given the opportunity to demonstrate that the use of technology was in accordance with this policy.

Any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty shall be shared with the student, and the student's parent/guardian as appropriate.

The Superintendent or designee may provide training to staff regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35291-35291.5

Ed. Code 56341.1

Federal References

20 USC 1401

Management Resources ReferencesMetropolitan Ed. Research Consortium
PublicationUSDOE Office of Educational Technology
Publication

Website

Website

Cross References

5131

5131.8

5137

5144

5144

6000

6141

6141

6154

6159

6159

6162.5

6162.54

6162.6

Description

Rules -

<https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdsIshoC4A==>

Assistive technology devices for a student with a disability -

<https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaW==>**Description**

Assistive technology device; definition

DescriptionBalancing the Benefits and Risks of AI Large Language Models in K12 Public
Schools, 2023 -<https://simbli.eboardsolutions.com/SU/wliZIJ3wnBazcmzKwWUW8g==>Artificial Intelligence and the Future of Teaching and Learning: Insights and
Recommendations, May 2023 -<https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==>

Metropolitan Educational Research Consortium -

<https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==>

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>**Description**

Conduct -

<https://simbli.eboardsolutions.com/SU/biRszL6XROetRWbml0lleQ==>

Mobile Communication Devices -

<https://simbli.eboardsolutions.com/SU/esIsh7zc7vPTw7tuRXH7IGLwQ==>

Positive School Climate -

<https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==>

Discipline -

<https://simbli.eboardsolutions.com/SU/raFn00F3HGfVveXZ7SN4sA==>

Discipline -

<https://simbli.eboardsolutions.com/SU/M26rRhwtMFCz0FEQhR1MBg==>

Concepts And Roles -

<https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==>

Curriculum Development And Evaluation -

<https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==>

Curriculum Development And Evaluation -

<https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==>

Homework/Makeup Work -

<https://simbli.eboardsolutions.com/SU/H7cKmjltnPagWtMLgVRK7A==>

Individualized Education Program -

<https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==>

Individualized Education Program -

<https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==>

Student Assessment -

<https://simbli.eboardsolutions.com/SU/b9KIXbby9XYctijplusnXY84A==>

Test Integrity/Test Preparation -

<https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==>

Use Of Copyrighted Materials -

<https://simbli.eboardsolutions.com/SU/K58wRXLhiQ7HqkoPGCSxplusw==>

- 6162.6 Use Of Copyrighted Materials - <https://simbli.eboardsolutions.com/SU/gh5CLLEvMmcAhYPOAhkflA==>
- 6163.4 Student Use Of Technology - <https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jfTkW==>
- 6163.4-E(1) Student Use Of Technology - <https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==>

Policy 6154: Homework/Makeup Work

Status: ADOPTED

Original Adopted Date: 02/01/1997 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

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

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time, provide enrichment, and assist students in developing good study habits. Homework and/or makeup work shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

CSBA NOTE: The following paragraph addresses student use of technology, including artificial intelligence (AI), in relation to homework and makeup work, and may be modified to reflect district practice. The U.S. Department of Education Office of Educational Technology's, "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challenges in doing so, and recommendations to guide further policy development. For more information regarding prohibited and permitted student use of technology, see BP 5131.9 - Academic Honesty and BP 6163.4 - Student Use of Technology.

Students may use technology to assist with homework and/or makeup work in conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications, as specified in Board Policy 5131.9 - Academic Honesty and Board Policy 6163.4 - Student Use of Technology.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

CSBA NOTE: The following optional paragraph may be revised to specify the average number of minutes of homework that may be expected per day at each grade level, or the district may adopt an administrative regulation that contains such guidelines.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives and inspire students' interests.

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

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, learn to work independently, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines shall also be included in student and/or parent/guardian handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. Students may also work with other students and use approved outside resources as directed by the teacher.

CSBA NOTE: The following paragraph should be revised to reflect district practice. Pursuant to Education Code 8482.3, programs operated under the After School Education and Safety Program (Education Code 8482-8484.65), the federal 21st Century Community Learning Center program (Education Code 8484.7-8484.9; 20 USC 7171-7176), and/or the Expanded Learning Opportunities Program (Education Code 46120) are required to include an

educational and literacy component in which tutoring or homework assistance is provided in language arts, mathematics, history-social science, computer training, and/or science. If the district offers a before-school or after-school program under the 21st Century High School After School Safety and Enrichment for Teens program for grades 9-12 (Education Code 8420-8428; 20 USC 7171-7176), the program must include an academic assistance program, which may include homework assistance. See AR 5148.2 - Before/After School Programs. In addition, some districts offer a supervised study hall elective which high school students can take instead of other electives.

To further support students' homework efforts, the Superintendent or designee may establish and maintain electronic forums, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

If a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

Makeup Work

CSBA NOTE: Pursuant to Education Code 48205, students who miss schoolwork because of an excused absence must be given full credit for makeup work satisfactorily completed within a reasonable period of time. State law does not require districts to give full credit for makeup work following an unexcused absence. However, CSBA's governance brief, "Research-Supported Strategies to Improve the Accuracy and Fairness of Grades," recommends that student absence be dealt with separately from determining students' academic understanding and progress. Thus, the following paragraph provides for full credit to be awarded for satisfactory completion of makeup work regardless of the reason for the absence, an approach which is consistent with BP/AR 5121 - Grades/Evaluation for Student Achievement. Also see BP/AR 5113.1 - Chronic Absence and Truancy for strategies to address excessive excused and/or unexcused absences. The district may revise the following paragraph to reflect district practice, provided that it ensures compliance with Education Code 48205.

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

The Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

Suspended Students

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 46120

Description

Expanded Learning Opportunities Program -
<https://simbli.eboardsolutions.com/SU/PO5Qp686pluslGJplusvUduBS1QA==>

Ed. Code 48205	Absence from school for jury duty or precinct board service - https://simbli.eboardsolutions.com/SU/q54m51wGgW5HWX0taUIDKQ==
Ed. Code 48913	Completion of work missed by suspended student - https://simbli.eboardsolutions.com/SU/QgqTY80tfY8R1PGL7VoSLw==
Ed. Code 48913.5	Suspended students; homework assignments - https://simbli.eboardsolutions.com/SU/RfKslshUJ1Kr2qPLOhmGQ4iDg==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 56341.1	Assistive technology devices for a student with a disability - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==
Ed. Code 8420-8428	21st Century High School After School Safety and Enrichment for Teens - https://simbli.eboardsolutions.com/SU/JaviDIWO4ZM2pqI8e1lg1g==
Ed. Code 8482-8484.65	After School Education and Safety Program - https://simbli.eboardsolutions.com/SU/UtnUiesMBgYqY0ld3FslshM3Q==
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers - https://simbli.eboardsolutions.com/SU/giVZzMtMblumbGYLS5W8Pw==

Federal References

20 USC 1401	Assistive technology device; definition
20 USC 7171-7176	21st Century Community Learning Centers

Description

Management Resources References

CSBA Publication	Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016 - https://simbli.eboardsolutions.com/SU/Ssz7tvie11J8Tm7nVTUezA==
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==
Website	Metropolitan Educational Research Consortium - https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California State Parent Teacher Association - https://simbli.eboardsolutions.com/SU/WpQSM7bTSBIBBwMA6DJ5JA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Description

Cross References

0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasIshM6slshY5CfG==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/bj3fslsh3cl7eKslshyWTi7plusHVkQ==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==

Description

5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/slshzYh5WprycgUzw9TSVm9Eg==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/cj7plusOU0kdEV4mqyejaSgUg==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/NpL4pbG68rX4JtK5UIBplus2Q==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/uc0Mjicleplus3CTnMaZJhQ==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JINpFAA==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/FyIWivTPicwNI9AslshRmrwEg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/BPOw0RFdLeDTvfQqVHSzBA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/S75iQjneD6mjixsnoDBRjQ==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/OOJDgERnjwx8GUWBtYOKOw==
5145.6-E(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/wvYNz0FFrs9dh3AXIIaQQ==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/6TznJWvUNhxc9er0OvSw==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/bVySg0grlwmslshAxbVduBflg==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/b5QjnmUpQBtgBNxpBLZKJw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/SRCRvplus9wpuzSot3FQ8a2gw==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplus1yplusF7QGkEslshLEej7PvA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgijtlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mlO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/xmiffKplus2Rlp4T2IYM0eqUQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/XSgOkVwslsh6n1VgSVdoheJvg==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUIlWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==

6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/QOUjppuymAwZwqqwJNVcdg==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jfTkW==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqEdyaRaqF4w==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/teeV5kkJryiahKMzNBplus8Tg==

Policy 6162.5: Student Assessment

Status: ADOPTED

Original Adopted Date: 07/01/2010 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: The following optional policy may be revised to reflect district practice. For information about required state assessments administered as part of the California Assessment of Student Performance and Progress (CAASPP), see BP/AR 6162.51 - State Academic Achievement Tests.

The Governing Board recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

CSBA NOTE: The following paragraph reflects that prohibited and permitted student use of technology, including artificial intelligence (AI), in relation to assessments, should be as specified in BP 5131.9 - Academic Honesty and BP 6163.4 - Student Use of Technology, and may be modified to reflect district practice. The U.S. Department of Education Office of Educational Technology's, "Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations," provides information related to the opportunities for using AI to improve education, the challenges in doing so, and recommendations to guide further policy development.

Any student use of technology to complete assessments shall be as specified in Board Policy 5131.9 - Academic Honesty and Board Policy 6163.4 - Student Use of Technology.

CSBA NOTE: The following paragraph addresses potential uses of student assessment data. Pursuant to Education Code 52060, applicable statewide student assessments must be used as one of the measures of progress toward the district's annual goals for student achievement included in its local control and accountability plan; see AR 0460 - Local Control and Accountability Plan. In addition, pursuant to Education Code 44662, evaluations of certificated staff must include an assessment of students' progress toward meeting district standards of expected student achievement at each grade level in each area of study and, if applicable, toward state standards as measured by state criterion-referenced assessments (i.e., assessments that test students' mastery of the content). However, Education Code 44662 prohibits the use of publishers' norms established by standardized tests (i.e., assessments that compare students' performance to a representative sample of students) for the purpose of evaluating and assessing certificated staff performance. The use of student assessment results in staff evaluations may also be addressed in collective bargaining agreements or employment contracts. See BP/AR 4115 - Evaluation/Supervision and BP 4315 - Evaluation/Supervision.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

CSBA NOTE: Education Code 52052 requires that schools and districts demonstrate comparable improvement in academic achievement by all "numerically significant" student subgroups, including, as amended by AB 114 (Ch. 48, Statutes of 2023), ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and students experiencing homelessness. A "numerically significant" subgroup is one that consists of at least 30 students, or 15 foster youth, students experiencing homelessness, or long-term English learners, each of whom has a valid test score. To evaluate the extent to which the district fulfills this responsibility, it will be important to examine disaggregated student assessment results as provided below.

Pursuant to Education Code 49558, the Governing Board may adopt policy allowing the use of individual applications or records from the free and reduced-price meal program to identify students for the purpose of disaggregating student achievement data. See BP/AR 3553 - Free and Reduced Price Meals for optional language providing such authorization.

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

Interim and Formative Assessments

CSBA NOTE: At their discretion, districts may choose to use the Smarter Balanced interim and formative assessments, which are part of the CAASPP. Pursuant to Education Code 60642.6, these tests may be used, in combination with other sources of information, to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning. Education Code 60642.7 specifies that results of such assessments shall not be used for any high-stakes purpose.

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning, and for communicating with students' parents/guardians and identifying professional development goals. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

Individual Record of Accomplishment

CSBA NOTE: The following section is for use by districts that maintain high schools.

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-60649
2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if the student is an adult or emancipated minor. The student or the student's parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. Furthermore, the results of an individual student on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 850-876

Ed. Code 10600-10610

Ed. Code 313

Description

California Assessment of Student Performance and Progress

California Education Information System -

<https://simbli.eboardsolutions.com/SU/4ekvxoWXCGDCoyWy6fu5aQ==>

Assessment of English language development -

<https://simbli.eboardsolutions.com/SU/ooKplusHEjijr2kQeAg57bETA==>

Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 49558	Free and reduced-price meals; use of individual applications and records - https://simbli.eboardsolutions.com/SU/CNB3fdQq8zfm0g3k6UKrKA==
Ed. Code 51041	Evaluation of the educational program - https://simbli.eboardsolutions.com/SU/AFLfGnplusZXLfdEESdlkr5OA==
Ed. Code 51450-51455	Golden State Seal Merit Diploma - https://simbli.eboardsolutions.com/SU/bplusHFbZcWNEGzUknsdh5B2A==
Ed. Code 52052	Accountability; numerically significant student subgroups - https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWlo3rs0EA==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjIplusPzLslsh7rP0BfXZYJuQ==
Ed. Code 56341.1	Assistive technology devices for a student with a disability - https://simbli.eboardsolutions.com/SU/tVqVXipPG3Wgz8p9YgOcaw==
Ed. Code 60600-60649	Assessment of academic achievement - https://simbli.eboardsolutions.com/SU/vslshWgHorCjslsh9UHEON4ipXIA==
Ed. Code 60640-60649	California Assessment of Student Performance and Progress - https://simbli.eboardsolutions.com/SU/HslshHaBzkqMYXjCsA0qmuMmg==
Ed. Code 60800	Physical performance test - https://simbli.eboardsolutions.com/SU/ClmMslshrlqJX6F9H0IMXNVw==
Ed. Code 60900	California Longitudinal Pupil Achievement Data System - https://simbli.eboardsolutions.com/SU/Xhplus6RDAeVyLMk9JRIYPUfg==
Ed. Code 60910	California State Preschool Program Longitudinal Pupil Achievement Data System - https://simbli.eboardsolutions.com/SU/Yc8gdU6QslshA38V0jyO36FWQ==

Federal References

20 USC 1401	Assistive technology device; definition
20 USC 9622	National Assessment of Educational Progress

Description

Management Resources References

USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023 - https://simbli.eboardsolutions.com/SU/HNXrV70r4t8plusLTA1tG1GcQ==
Website	Metropolitan Educational Research Consortium - https://simbli.eboardsolutions.com/SU/TAt8PNplusplusPn2OaTT2avH2Hw==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==
Website	California Department of Education, Testing and Accountability - https://simbli.eboardsolutions.com/SU/z09cOywLKf7ya8HZK2Obvw==
Website	Smarter Balanced Assessment Consortium - https://simbli.eboardsolutions.com/SU/9vsKmslshoslsfh13U2Yv60w1Tgg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Description

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZh17ATfHJBPO13Jplus7cw==

Description

0420 School Plans/Site Councils -
<https://simbli.eboardsolutions.com/SU/sbIVsLKslsh5w2LSplusZQekYNgQ==>

0420 School Plans/Site Councils -
<https://simbli.eboardsolutions.com/SU/U9OOQXvYz5b4Tplusjru34pnqw==>

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/veDrWch4MmETypmNplusWpl4A==>

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/PbLTuOplus1cucax34urDgEfw==>

0500 Accountability -
<https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==>

0510 School Accountability Report Card -
<https://simbli.eboardsolutions.com/SU/tZgonRHxkvRwnPrVQ1WmBg==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/il1oJplusu27nLXFRIre2y6sA==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/3slshDCRNxDsXfzxD7fplwslshtg==>

2140 Evaluation Of The Superintendent -
<https://simbli.eboardsolutions.com/SU/ySxTN0zgsishtTtWd1CslshtTxcw==>

4115 Evaluation/Supervision -
<https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==>

4115 Evaluation/Supervision -
<https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==>

4131 Staff Development -
<https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==>

4315 Evaluation/Supervision -
<https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==>

4331 Staff Development -
<https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnllsFw7ag==>

5121 Grades/Evaluation Of Student Achievement -
<https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==>

5121 Grades/Evaluation Of Student Achievement -
<https://simbli.eboardsolutions.com/SU/iKtdZAf0mXslsh9Lp2JINpFAA==>

5123 Promotion/Acceleration/Retention -
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5123 Promotion/Acceleration/Retention -
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5125 Student Records -
<https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==>

5131.9 Academic Honesty -
<https://simbli.eboardsolutions.com/SU/FyIWivTPicwNI9AslshRmrwEg==>

6000 Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==>

6011 Academic Standards -
<https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==>

6020 Parent Involvement -
<https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgijtlg==>

6020 Parent Involvement -
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- 6120 Response To Instruction And Intervention -
<https://simbli.eboardsolutions.com/SU/YopBQ2VrklMGNYQPvMr6w==>
- 6141 Curriculum Development And Evaluation -
<https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==>
- 6141 Curriculum Development And Evaluation -
<https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==>
- 6142.6 Visual And Performing Arts Education -
<https://simbli.eboardsolutions.com/SU/KYKuDxTaUanplusmRSoSBmoNg==>
- 6142.7 Physical Education And Activity -
<https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==>
- 6142.7 Physical Education And Activity -
<https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==>
- 6142.91 Reading/Language Arts Instruction -
<https://simbli.eboardsolutions.com/SU/ONplusEAnslshTzPen8m41ZrigplusQ==>
- 6142.92 Mathematics Instruction -
<https://simbli.eboardsolutions.com/SU/ftMquy4qCooO0o5vPBAlDA==>
- 6146.1 High School Graduation Requirements -
<https://simbli.eboardsolutions.com/SU/YsBxplusxf217GaPv8zxP4O1Q==>
- 6146.3 Reciprocity Of Academic Credit -
<https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshslshopFL8Q==>
- 6146.3 Reciprocity Of Academic Credit -
<https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==>
- 6146.5 Elementary/Middle School Graduation Requirements -
<https://simbli.eboardsolutions.com/SU/flgtoqAekTVOXloloLslshuA0qQ==>
- 6151 Class Size -
<https://simbli.eboardsolutions.com/SU/vYW5X18plusvzq1WlfyVz868A==>
- 6152 Class Assignment -
<https://simbli.eboardsolutions.com/SU/hATymLA9CJuKtCyX9SvmOg==>
- 6152.1 Placement In Mathematics Courses -
<https://simbli.eboardsolutions.com/SU/jt6w4Ob9I5Fk3Zp4xZKDSQ==>
- 6152.1 Placement In Mathematics Courses -
<https://simbli.eboardsolutions.com/SU/oGGI7Kob81Is1e8P3iauiA==>
- 6155 Challenging Courses By Examination -
<https://simbli.eboardsolutions.com/SU/WKvDn9DmbM84AOA22GrqiA==>
- 6155 Challenging Courses By Examination -
<https://simbli.eboardsolutions.com/SU/AAbO61Z3xNUB8xUeVXBslshYg==>
- 6158 Independent Study -
<https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==>
- 6158 Independent Study -
<https://simbli.eboardsolutions.com/SU/2tRYy22MXLXnvV9vrMP4w==>
- 6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUIlWOYqgA==>
- 6159 Individualized Education Program -
<https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==>
- 6161.1 Selection And Evaluation Of Instructional Materials -
<https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==>
- 6161.1 Selection And Evaluation Of Instructional Materials -
<https://simbli.eboardsolutions.com/SU/fXBclMA6WABwBGWhEnOY9Q==>
- 6161.1-E(1) Selection And Evaluation Of Instructional Materials -
<https://simbli.eboardsolutions.com/SU/8IIH1pluseCQplus3eslsh3plusjNseP5g==>

6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/JYZqEAGgHSQ8NKf76jftkw==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xL8Kskyraw6PieC8rplusJpYg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/ffCNsslsh0JpPJGdyftyF23Dg==
6164.4	Identification And Evaluation Of Individuals For Special Education - https://simbli.eboardsolutions.com/SU/rsstgVL8YWDzm2Ni7PU9jg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsishQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6170.1	Transitional Kindergarten - https://simbli.eboardsolutions.com/SU/8JTQy7DEa01NslshDL3O0ktw==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSjgfa2gA==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2aA==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plussish4RvQw==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsishP8S2Cj02w==
6173.4	Education For American Indian Students - https://simbli.eboardsolutions.com/SU/FHpluslz9jSWj6dzqBZ7yYJ7A==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/QvYBDv5g7Jy72aIVMTz12g==
6174	Education For English Learners - https://simbli.eboardsolutions.com/SU/82RXSw2plusDvkWiz1w2DqfLg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/2rbha1T98IHWiOTksishUErg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWs07diDlxw9g==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmsishFiQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==

6184	Continuation Education - https://simbli.eboardsolutions.com/SU/KkY8miqdW4plusznm6ryYow7Q==
6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E(1)	Closed Session - https://simbli.eboardsolutions.com/SU/HugJnLcusrzLSVT90UPEcA==
9321-E(2)	Closed Session - https://simbli.eboardsolutions.com/SU/wSrEqCMiEHslshYFCluMQnxBg==

Regulation 7140: Architectural And Engineering Services

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: When applying for state facilities funding, the district will be required to certify that any professional design services used for the project were selected using a qualification-based selection process. The Office of Public School Construction's, "School Facility Program Handbook," advises districts to consult with legal counsel to ensure that its process for selecting architects or structural engineers is a qualification-based selection process and complies with all other legal requirements, including the Public Contract Code and requirements for disabled veterans business enterprises.

Contractors for any private architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

CSBA NOTE: Government Code 4526 requires that the district's selection process include at least Items #1-3 below; however, the law does not prescribe the exact procedures that must be followed. Generally, elements of a "competitive process" include advertising and notice of the need for services, objective evaluation and selection criteria, and an appeals process for use by those not selected. Districts may wish to develop procedures consistent with these and other requirements in consultation with CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

CSBA NOTE: Pursuant to Government Code 4527, the following items are optional and may be revised to reflect district practice.

The selection process may also include: (Government Code 4527)

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project
2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services
3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Government Code 4528 authorizes, but does not require, the district to implement the following procedures.

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect or structural engineer shall become the property of the district for the purpose of repair,

maintenance, renovation, modernization, or other purposes, but only as they relate to the project for which the architect or structural engineer was retained. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

CSBA NOTE: Education Code 17250.20 authorizes the district, until January 1, 2025, to utilize the design-build method of construction delivery for projects in excess of \$1,000,000. Additionally, pursuant to Education Code 17250.60-017250.69, as added by AB 185 (Ch. 571, Statutes of 2022), the district may, until January 1, 2029, utilize alternative design-build contracts for public works projects in excess of \$5,000,000. See AR 3311 - Bids and AR 3311.3 - Design-Build Contracts for more information regarding design-build.

A design-build contract may be awarded to a single entity for both design and construction of any school facility if the contract is in excess of \$1,000,000, or an alternative design-build contract may be awarded if the contract is in excess of \$5,000,000, as specified in Administrative Regulation 3311.3 - Design-Build Contracts. (Education Code 17250.20, 17250.62)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Bus. Code 5500-5502	Architecture - https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOW==
Bus. Code 5550-5558	Architects; licensure - https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==
Bus. Code 6700-6706.3	Professional Engineers Act - https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==
Bus. Code 6750-6767	Engineers; licensure - https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==
CA Constitution Article 22	Architectural and engineering services - https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17250.60-17250.69	Alternative design-build contracts - https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==
Ed. Code 17260-17268	Plans and specifications for school facilities - https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgjj==
Ed. Code 17280-17317	Building approvals - https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjzroyZQ==
Ed. Code 17371	Limitation on liability of governing board - https://simbli.eboardsolutions.com/SU/d56uwclTvplussgYGebp99UTw==
Gov. Code 14837	Definition of small business - https://simbli.eboardsolutions.com/SU/c3i4e2xmxHs5PpVTCh63Qw==
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms - https://simbli.eboardsolutions.com/SU/u3t4hVRrP0xRvORn2OtLmA==
Gov. Code 87100	Public officials; financial interest - https://simbli.eboardsolutions.com/SU/QchMgplusAyDf6dKHslshcFZKU6A==

Pub. Cont. Code 20110-20118.44

School district contracts -

<https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==>

Management Resources References

Description

California Department of Education Publication

Plan Submission Requirements for Modernization Projects, Form SFPD 4.08 - <https://simbli.eboardsolutions.com/SU/AB4LcZw74cBl1fpPipluswu0w==>

California Department of Education Publication

Plan Submission Requirements for New Construction, Form SFPD 4.07 - <https://simbli.eboardsolutions.com/SU/DZkNXR40KMZ1VKbKpOYL3A==>

Office of Public School Construction Publication

School Facility Program Handbook, January 2019 - <https://simbli.eboardsolutions.com/SU/eHGIMKVqSUBhe1qjhtPt8g==>

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

Department of General Services, Division of the State Architect - <https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==>

Website

American Institute of Architects California Council - <https://simbli.eboardsolutions.com/SU/1jDPdUHfCfT8sXf4176tpA==>

Website

Department of General Services, Office of Public School Construction - <https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>

Website

California Department of Education, School Facilities - <https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==>

Cross References

Description

1240

Volunteer Assistance - <https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULaslsh6slshY5CfG==>

1240

Volunteer Assistance - <https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==>

3311

Bids - <https://simbli.eboardsolutions.com/SU/HcK7HUZFN9Aj9DplusJHCDH4Q==>

3311

Bids - <https://simbli.eboardsolutions.com/SU/kSmQOh7sW9PDb8PSD17ycQ==>

3311.3

Design-Build Contracts - <https://simbli.eboardsolutions.com/SU/SYfJWslshySkm0fnMkjPceFSA==>

3312

Contracts - <https://simbli.eboardsolutions.com/SU/CHyTqtxZWM1h3IIN3YWGplusw==>

3515.6

Criminal Background Checks For Contractors - <https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUFSSb7fbslshw==>

7000

Concepts And Roles - <https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==>

7110

Facilities Master Plan - <https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMyv7LT883UOw==>

7150

Site Selection And Development - <https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslshuVYRgMCbA==>

7150

Site Selection And Development - <https://simbli.eboardsolutions.com/SU/9MaBvnOs2WPkIslshb54TqcMZQ==>

9270

Conflict Of Interest - <https://simbli.eboardsolutions.com/SU/plus5NkplusxIVoLslshAyTyplusjwwplus5A==>

9270-E(1)

Conflict Of Interest - <https://simbli.eboardsolutions.com/SU/31zam186Gfhk4oZYYhDZDQ==>

Bylaw 9124: Attorney

Status: ADOPTED

Original Adopted Date: 06/01/1991 | Last Revised Date: 09/01/2023 | Last Reviewed Date: 09/01/2023

CSBA NOTE: Education Code 35041.5, 35204, and 35205 authorize the Governing Board to enter into a contract to hire an attorney as a district employee or independent contractor or to contract with a private firm to provide legal services for purposes deemed appropriate by the Board. According to the Rules of Professional Conduct of the State Bar of California (Rule 1.13), when an attorney is hired by an organization such as a school district, the attorney's client is the district as a whole, and not an individual Board member or employee. However, at certain times an attorney may owe a duty of defense to a Board member or employee pursuant to the Tort Claims Act (Government Code 814-895.8). For more information regarding the Tort Claims Act, see BP/AR 3320 - Claims and Actions Against the District, and for more information regarding protection against liability for Board members, see BB 9260 - Legal Protection.

Districts may subscribe to CSBA's District and County Office of Education Legal Services to receive legal advice, services, and resources.

The Governing Board recognizes the complex legal environment in which districts operate, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services.

In order to meet the district's legal needs, the Board may appoint legal counsel and fix and order paid legal counsel's compensation as an employee or as an independent contractor. (Education Code 35041.5)

The Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in private practice, and other public or private legal services entities. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate.

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

CSBA NOTE: Government Code 53060 exempts contracts for legal services from the bidding requirements of the Public Contract Code; for more information regarding bidding requirements, see AR 3311 - Bids. However, when entering into a new contract for legal services, Boards may use a Request for Proposal procedure in order to solicit a range of proposals for services. The following optional section is for use by districts that contract with outside firms to provide legal services and should be modified to reflect district practice.

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

The district may, but is not required to, initiate a Request for Proposals to advertise and solicit proposals for legal services. In evaluating the prospective attorney(s), firm(s), and/or entity(ies), the Board and Superintendent may consider the attorney's, firm's, and/or entity's background, experience, and relevant legal reputation; experience advising and representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

The Board and Superintendent shall periodically evaluate the performance of the firm(s) and/or attorney(s); the efficiency and adequacy of advice; the results obtained for the district; the reasonableness of fees; and the responsiveness to and interactions with the Board, administration, and community.

The Board may use such evaluation(s) to determine whether to renew any current agreement(s) for legal services.

The Board may also contract for specialized legal services, as appropriate, when a majority of the Board determines that the unique demands of a particular issue or emergency situation require such representation.

Contacting Legal Counsel

CSBA NOTE: The following section should be modified to reflect district practice.

The Board president, or Superintendent or designee, may, at their discretion, confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Board president, or Superintendent or designee, may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by the Superintendent, the Board president, or a majority of the Board.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35041	Administrative adviser - https://simbli.eboardsolutions.com/SU/Vq05GqcT0i7Lze5Df8sn5A==
Ed. Code 35041.5	Legal counsel - https://simbli.eboardsolutions.com/SU/JMgRHfLyT3TkUlsShulOhiTg==
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 35200-35214	Liabilities - https://simbli.eboardsolutions.com/SU/6BkNJy81QH7DnJLHzKMK0g==
Ed. Code 35204	Contract with attorney in private practice - https://simbli.eboardsolutions.com/SU/irlX4qUNWLSPUplusIWDLQTXw==
Ed. Code 35205	Contract for legal services - https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==
Gov. Code 26520	Legal services to school districts - https://simbli.eboardsolutions.com/SU/PCL8jSEUX60slsholBip5gTwQ==
Gov. Code 26529	District Attorney - https://simbli.eboardsolutions.com/SU/LdCCxwnN6qy10FsCptHkkg==
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Gov. Code 995-996.6	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==

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CSBA Publication	The Brown Act: School Boards and Open Meeting Laws, rev. 2019
State Bar of California Publication	California Rules of Professional Conduct
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
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9000 Role Of The Board -
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9321 Closed Session -
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Policy 0460: Local Control And Accountability Plan

Status: DRAFT

Original Adopted Date: 02/21/2019 | **Last Revised Date:** 11/09/2023 | **Last Reviewed Date:** 09/17/2024

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52060, 52064; 5 CCR 15494-15497)

The LCAP and the annual update shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming. (Education Code 52060, 52064)

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. (Education Code 42238.02)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. (Education Code 52052)

Beginning July 1, 2025, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028, whichever occurs first. The IDEA addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

The LCAP shall also be aligned with other district and school plans, to the extent possible, in order to minimize duplication of effort and provide clear direction for program implementation.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Advisory Committees

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English

learners, the Board shall establish an English learner parent advisory committee, which shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

Beginning July 1, 2024, unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

LCAP Development and Consultation

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP and the annual update. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums and committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP and the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and Board Policy 3100 - Budget. (Education Code 52062)

Adoption and Submission

The Board shall adopt the LCAP and the annual update prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP and the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. (Education Code 52071)

Revisions

The Board may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52062 and the revisions are adopted in a public meeting.

Monitoring Progress and Complaints

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to Administrative Regulation 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

Technical Assistance

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 15494-15497

Ed. Code 17002

Ed. Code 305-306

Ed. Code 33430-33436

Ed. Code 41020

Ed. Code 41320-41322

Ed. Code 42127

Ed. Code 42238.01-42238.07

Ed. Code 44258.9

Ed. Code 47604.33

Description

Local control and accountability plan and spending requirements

[State School Building Lease-Purchase Law, including definition of good repair](#)

[English language education](#)

[Learning Communities for School Success Program; grants for LCAP implementation](#)

[Requirement for annual audit](#)

[Emergency apportionments](#)

[Public hearing on budget adoption](#)

[Local control funding formula](#)

[County superintendent review of teacher assignment](#)

[Submission of reports by charter schools](#)

State References

Ed. Code 47606.5
 Ed. Code 48985
 Ed. Code 51210
 Ed. Code 51220
 Ed. Code 52052
 Ed. Code 52059.5
 Ed. Code 52059.5-52077
 Ed. Code 52302
 Ed. Code 52372.5
 Ed. Code 54692
 Ed. Code 60119
 Ed. Code 60605.8
 Ed. Code 60900-60901
 Ed. Code 64001
 Ed. Code 99300-99301
 W&I Code 300

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[Notices to parents in language other than English](#)
[Course of study for grades 1-6](#)
[Course of study for grades 7-12](#)
[Numerically significant student subgroups](#)
[Statewide system of support](#)
[Local control and accountability plan](#)
[Regional occupational centers and programs](#)
[Linked learning program](#)
[Partnership academies](#)
[Sufficiency of textbooks and instructional materials; hearing and resolution](#)
[California Assessment of Academic Achievement; Academic Content Standards Commission](#)
[California Longitudinal Pupil Achievement Data System](#)
[School plan for student achievement; consolidated application programs](#)
[Early Assessment Program](#)
[Dependent child of the court](#)

Federal References

20 USC 6311
 20 USC 6312
 20 USC 6826
 34 CFR 300.600-300.647
 34 USC 300.600

Description

State plan
 Local educational agency plan
 Title III funds; local plans
 Education of students with disabilities; monitoring, enforcement, confidentiality, and program information
 State monitoring and enforcement

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California Career Technical Education Model Curriculum Standards, 2013
 LCFF Frequently Asked Questions
 Local Control and Accountability Plan and Annual Update (LCAP) Template
 California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013
 California Common Core State Standards: Mathematics, rev. 2013
 California English Language Development Standards, 2012
 California School Dashboard
 Family Engagement Framework: A Tool for California School Districts, 2014
[California School Accounting Manual](#)
 The California School Dashboard and Small Districts, October 2018
 Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016
 LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

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Website

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Description[CSBA District and County Office of Education Legal Services](#)[California School Dashboard](#)[CSBA](#)[California Department of Education](#)**Cross References**

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[Vision](#)

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[Vision](#)

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[Comprehensive Plans](#)

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[Equity](#)

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[School Plans/Site Councils](#)

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[School Plans/Site Councils](#)

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[Charter School Authorization](#)

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[District Technology Plan](#)

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[District Technology Plan](#)

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Regulation 0460: Local Control And Accountability Plan

Status: DRAFT

Original Adopted Date: 02/21/2019 | **Last Revised Date:** 11/09/2023 | **Last Reviewed Date:** 09/17/2024

Goals and Actions Addressing State and Local Priorities

The district's local control and accountability plan (LCAP) shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness. The LCAP shall identify goals for each of the following state priorities:
 - a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002
 - b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency
 - c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, and students with disabilities
 - d. Student achievement, as measured by all of the following as applicable:
 - i. Statewide assessments of student achievement
 - ii. The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University; have successfully completed career technical education (CTE) sequences or programs of study that align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692; and have successfully completed both college entrance courses and CTE sequences or programs
 - iii. The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
 - iv. The English learner reclassification rate
 - v. The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher
 - vi. The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301
 - e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable
 - f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03
 - h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable
2. Any goals identified for any local priorities established by the Governing Board.
 3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in Items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

For purposes of the descriptions required by Items #1-3 above, the Superintendent or designee may consider qualitative information, including, but not limited to, findings that result from any school quality review conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52060)

Increase or Improvement in Services for Unduplicated Students

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

When the district expends supplemental and/or concentration grant funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how such services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory.

Timeline

By February 28 of each year, the Superintendent or designee shall provide a report to the Board on the annual update and the budget overview for parents/guardians. The report, which shall be presented to the Board at a regular meeting, shall include all available midyear outcome data related to metrics identified in the current year's LCAP and all available midyear expenditure and implementation data on all actions identified in the current year's LCAP. (Education Code 52062)

By May 15, but in no event later than May 31, the Superintendent or designee shall present the drafts of the LCAP and the annual update to the committees listed in the accompanying board policy for review and comment and shall provide each committee with a reasonable date by which each committee shall provide comments on the drafts. The

Superintendent or designee shall respond in writing to comments received from the committee(s) no later than the public hearing on the LCAP and the annual update.

At the same time as the drafts of the LCAP and the annual update are presented to these committees, the Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. The notification shall also provide the deadline by which all written comments must be received, which shall be no later than the deadline for comments from the committee(s). All such written notifications shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

Availability

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, the annual update, the IDEA Addendum as applicable, and the local control funding formula budget overview for parents/guardians on the homepage of the district's website and the performance overview portion of the Dashboard. (Education Code 52064.1, 52064.3, 52065)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 15494-15497	Local control and accountability plan and spending requirements
Ed. Code 17002	State School Building Lease-Purchase Law, including definition of good repair
Ed. Code 305-306	English language education
Ed. Code 33430-33436	Learning Communities for School Success Program; grants for LCAP implementation
Ed. Code 41020	Requirement for annual audit
Ed. Code 41320-41322	Emergency apportionments
Ed. Code 42127	Public hearing on budget adoption
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 47604.33	Submission of reports by charter schools
Ed. Code 47606.5	Charter schools; local control and accountability plan
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code 52059.5-52077	Local control and accountability plan
Ed. Code 52302	Regional occupational centers and programs
Ed. Code 52372.5	Linked learning program
Ed. Code 54692	Partnership academies
Ed. Code 60119	Sufficiency of textbooks and instructional materials; hearing and resolution
Ed. Code 60605.8	California Assessment of Academic Achievement; Academic Content Standards Commission
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System

State References

Ed. Code 64001
 Ed. Code 99300-99301
 W&I Code 300

Federal References

20 USC 6311
 20 USC 6312
 20 USC 6826
 34 CFR 300.600-300.647
 34 USC 300.600

Management Resources References

California Department of Education Publication
 California Department of Education Publication
 California Department of Education Publication
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[School plan for student achievement; consolidated application programs](#)
[Early Assessment Program](#)
[Dependent child of the court](#)

Description

State plan
 Local educational agency plan
 Title III funds; local plans
 Education of students with disabilities; monitoring, enforcement, confidentiality, and program information
 State monitoring and enforcement

Description

California Career Technical Education Model Curriculum Standards, 2013
 LCFF Frequently Asked Questions
 Local Control and Accountability Plan and Annual Update (LCAP) Template
 California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013
 California Common Core State Standards: Mathematics, rev. 2013
 California English Language Development Standards, 2012
 California School Dashboard
 Family Engagement Framework: A Tool for California School Districts, 2014
[California School Accounting Manual](#)
 The California School Dashboard and Small Districts, October 2018
 Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016
 LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016
[CSBA District and County Office of Education Legal Services](#)
[California School Dashboard](#)
[CSBA](#)
[California Department of Education](#)

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[Charter School Authorization](#)
[Charter School Authorization](#)

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0420.41	Charter School Oversight
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2210	Administrative Discretion Regarding Board Policy
3100	Budget
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3110	Transfer Of Funds
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Policy 0500: Accountability

Status: DRAFT

Original Adopted Date: 11/19/2009 | **Last Reviewed Date:** 09/17/2024

The Governing Board recognizes its responsibility to ensure accountability to the public for the performance of the district and each district school. The Board shall regularly review the effectiveness of district programs, personnel, and fiscal operations, with a focus on the capacity to improve student achievement. The Board shall establish appropriate processes and measures to monitor results and to evaluate progress toward accomplishing the district's vision and goals set forth in the local control and accountability plan (LCAP).

District and school performance shall be annually evaluated based on multiple measures specified in the California Accountability and Continuous Improvement System as reported on the California School Dashboard.

The district and each district school shall demonstrate comparable improvement in academic achievement for all numerically significant student subgroups. Numerically significant subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth, long-term English learners, or students experiencing homelessness. (Education Code 52052)

The Superintendent shall provide regular reports to the Board and the public regarding district and school performance. Opportunities for feedback from students, parents/guardians, staff, and community members shall be made available as part of any review and evaluation of district programs and operations and as part of the development or annual update of the LCAP.

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

The district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072. If the County Superintendent of Schools is required to provide technical assistance to the district, the district shall accept the technical assistance by providing timely documentation to, and maintaining regular communication with, the County Superintendent. (Education Code 52071)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 1068-1074	Alternative schools accountability model; assessments
5 CCR 15440-15464	Standards and criteria for fiscal accountability
Ed. Code 33127	Standards and criteria for local budgets and expenditures
Ed. Code 33400-33407	California Department of Education evaluation of district programs
Ed. Code 44660-44665	Evaluation of certificated employees
Ed. Code 51041	Evaluation of the educational program
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52059.5-52077	Local control and accountability plan
Ed. Code 56366	Nonpublic, nonsectarian schools
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System

Federal References

20 USC 6311
 20 USC 6312
 34 CFR 200.12-200.24
 34 CFR 200.30-200.48

Description

State plan
 Local educational agency plan
 State accountability system
 State and LEA report cards and plans

Management Resources References

Website
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Description

[California Department of Education, California Longitudinal Pupil Achievement Data System \(CALPADS\)](#)
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education, Accountability](#)
[California School Dashboard](#)
[CSBA](#)
[U.S. Department of Education](#)

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Policy 0520: Intervention In Underperforming Schools

Status: DRAFT

Original Adopted Date: 12/05/2019 | **Last Reviewed Date:** 09/17/2024

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard, educator qualifications data, and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
2. Identifying student subgroups that are low performing or experiencing significant disparities from other subgroups as identified on the California School Dashboard in order to identify and implement effective programs and practices to improve the outcomes and opportunities for these students
3. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district
4. Identifying areas of strengths and weaknesses in the identified goals, actions, and services addressed in the LCAP, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals
5. Reviewing the district's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the submission of accurate data according to the processes and timelines established by the California Department of Education (CDE)

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the district shall, for a minimum of two years, maintain regular communication with, and provide timely documentation to, the County Superintendent regarding the district's completion of the activities listed in Items #1-5 above, or substantially similar activities. (Education Code 52071)

The district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

The district shall consider any recommendations from the California Collaborative for Educational Excellence in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52072, 52074)

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072.1)

1. Revision of the district's LCAP
2. Revision of the district's budget, in conjunction with changes in the LCAP, that would allow the district to improve the outcomes for all student subgroups in regard to state and local priorities
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

In addition, any school identified by CDE for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 52052	Numerically significant student subgroups
Ed. Code 52059.5	Statewide system of support
Ed. Code 52059.5-52077	Local control and accountability plan
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 64001	School plan for student achievement; consolidated application programs

Federal References

	Description
20 USC 6311-6322	Improving basic programs for disadvantaged students

Management Resources References

	Description
California Department of Education Publication	Targeted/Additional Targeted Support & Improvement Frequently Asked Questions
California Department of Education Publication	2022 Dashboard Technical Guide: Every Student Succeeds Act School Support, December 2022
California Department of Education Publication	California ESSA Consolidated State Plan, 2022
California Department of Education Publication	Comprehensive Support and Improvement Frequently Asked Questions
US DOE Publications	Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, September 2023
Website	CSBA District and County Office of Education Legal Services
Website	California Collaborative for Educational Excellence
Website	California School Dashboard
Website	U.S. Department of Education
Website	California Department of Education

Cross References

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0420	School Plans/Site Councils
0420	School Plans/Site Councils
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
0500	Accountability
0520.1	Comprehensive And Targeted School Improvement

Policy 1160: Political Processes

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 04/15/2024

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

Ballot Measures/Candidates

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

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

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

Individual School Board members may include their name in support of or opposition to a county, city, district, or school measure on a county ballot in accordance with Elections Code 9170.

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

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

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

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

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

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

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

Legislation

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

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

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

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

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

Legal Advocacy

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

Political Forums

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

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 18600-18640

2 CCR 18901.1

Ed. Code 35160

Ed. Code 35172

Ed. Code 7050-7058

Ed. Code 7054

Ed. Code 7054.1

Ed. Code 7056

Elec. Code 9160-9170

Elec. Code 9501

Gov. Code 53060.5

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Lobbyists

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[Promotional activities](#)

[Political activities of school officers and employees](#)

[Use of district property](#)

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[Soliciting or receiving political funds](#)

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 Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
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Regulation 1220: Citizen Advisory Committees

Status: DRAFT

Original Adopted Date: 02/21/2019 | **Last Reviewed Date:** 09/17/2024

Committee Charge

When committees are appointed, committee members shall receive written information which includes, but is not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Committees Subject to Brown Act Requirements

Brown Act requirements pertaining to open meetings, notices, and public participation pursuant to Government Code 54950-54963 shall be complied with by any committee created by formal action of the Governing Board, including, but not limited to, the following:

1. Advisory committee established pursuant to Education Code 8070 related to career technical education
2. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b
3. Committee established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property
4. Citizens' oversight committee established to examine the expenditure of general obligation bond or school facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3

Committees Not Subject to Brown Act Requirements

The following committees shall comply with procedural meeting requirements established in Education Code 35147:

1. Parent advisory committee and English learner parent advisory committee established pursuant to Education Code 52063 to review and comment on the local control and accountability plan
2. School site councils established pursuant to Education Code 65000-65001 to develop and approve a school plan for student achievement
3. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners

4. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education
5. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs
6. School committees established pursuant to Education Code 11503 related to parent involvement
7. Advisory committees established pursuant to Education Code 56190-56194 related to special education

Meetings of the above councils or committees shall be open to the public, and any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its subject matter jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate location accessible to the public at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item of business not listed on the agenda until after all members present vote unanimously finding that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Any council or committee violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, after allowing for public input on the item. (Education Code 35147)

Any materials provided to a council or committee shall be made available to any member of the public upon request pursuant to the California Public Records Act, Government Code 7920.00-7930.215. (Education Code 35147)

Committees Created by Superintendent

Committees created by the Superintendent or designee that do not report to the Board and are not specified in Education Code 35147, shall not be subject to the requirements of the Brown Act or Education Code 35147.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 11503	Parent involvement programs in Title I schools
Ed. Code 15278-15282	Citizens' oversight committee
Ed. Code 15359.3	School facilities improvement districts
Ed. Code 17387-17391	Advisory committees for use of excess school facilities
Ed. Code 35147	School site councils and advisory committees
Ed. Code 44032	Travel expense payment
Ed. Code 52060	Local control and accountability plan
Ed. Code 52176	Advisory committees; limited-English proficient students program
Ed. Code 54425	Advisory committees; compensatory education
Ed. Code 54444.1-54444.2	Parent advisory councils; services to migrant children
Ed. Code 56190-56194	Community advisory committee; special education
Ed. Code 62002.5	Continuing parent advisory committees
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils

State References

Ed. Code 8070
 Gov. Code 54950-54963
 Gov. Code 7920.000-7930.215
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Policy 1313.01: ^Civility Policy

Status: DRAFT

Original Adopted Date: Pending

Preamble

Maintaining an environment supportive of learning and free of disruptive conduct is important to the success of our children's education. To further this goal, it is the intent of the district to promote, through this policy, mutual respect, civility and orderly conduct among district employees, parents/guardians, and other members of the public. It is also the intent of this policy to encourage positive communication and discourage disruptive, volatile, hostile or aggressive communication or actions. Furthermore, this policy is intended to maintain, to the extent possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents/guardians and the public. It is not the district's intent to deprive any person of his/her right to freedom of expression. The district encourages the public's cooperation with and adherence to this policy.

Expected Level of Behavior

1. District employees and representatives should treat parents/guardians, other members of the public, and each other with civility, courtesy and respect.
2. Parents/guardians and other members of the public should treat staff and students and each other, while on school grounds and/or participating in school-related activities, with civility, courtesy and respect.

Unacceptable/Disruptive Behavior

Any conduct that disrupts or interferes with the discipline, good order, lawful conduct or administration of any school class or activity of the school or district, constitutes unacceptable conduct behavior. Unacceptable conduct includes but is not limited to:

1. Disruption of or threats to disrupt school classrooms, activities, and/or operations;
2. Threats to the health and safety of students or district employees;
3. Unauthorized entry onto district premises and school grounds;
4. Using obscenities or speaking in a demanding, loud, insulting and/or demeaning manner;
5. Making harassing telephone calls to an individual;
6. Sending harassing correspondence to an individual by any means including but not limited to:
 - a. Mail (Private, or school mail)
 - b. District email accounts
 - c. Personal email accounts
 - d. Interoffice mail
 - e. Text Messages
 - f. Facsimile (Fax)
7. Following or stalking of any individual; and/or
8. Battery or assault upon students, district employees or other persons

The Superintendent or designee shall establish regulations and procedures as necessary to provide a complaint process for alleged violations of the Civility Policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those

interested in the subject matter of the policy.

Notice References

Unique Policy
an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Description

This policy is unique to the district/COE and is not connected to

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Policy 1330: Use Of School Facilities

Status: DRAFT

Original Adopted Date: 10/18/2018 | **Last Reviewed Date:** 04/15/2024

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, including the designation of a person to supervise this task, if necessary
3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of schoolwork

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

There shall be no advertising on school facilities and grounds except as specified in Board Policy 1325 - Advertising and Promotion.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

The Board believes that the use of school facilities or grounds should not result in an expense to the district. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that charge participants no more than an average of \$60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

The Board authorizes the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school

facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041.

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds
2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Use of School Facility as Polling Place

The Board may authorize the use of school buildings as polling places, or vote centers for election day. The Board may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as a polling place or vote center. (Elections Code 12283)

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

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place or vote center.

^^

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 14037-14042
 Bus. Code 25608
 Ed. Code 10900-10914.5
 Ed. Code 32280-32289.5
 Ed. Code 37220
 Ed. Code 38130-38138
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20 USC 7905
 40 CFR 141.1-141.723

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 Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
 ACLU v. Board of Education of Los Angeles (1961) 55 Cal .2d 167
 Cole v. Richardson (1972) 405 U.S. 676
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[Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010](#)
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Regulation 1330: Use Of School Facilities

Status: DRAFT

Original Adopted Date: 10/18/2018 | **Last Reviewed Date:** 04/15/2024

Application for Use of Facilities

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Anyone applying to use school facilities shall do so as specified in district procedures and in accordance with law.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131, 51860)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities for youth that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)
10. Bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students by local law enforcement, public agencies, nonprofit associations, or organizations specified in Education Code 38134
11. Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco

4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

When permitted by law, the Superintendent or designee shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

^^

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State References

5 CCR 14037-14042
 Bus. Code 25608
 Ed. Code 10900-10914.5
 Ed. Code 32280-32289.5
 Ed. Code 37220
 Ed. Code 38130-38138
 Ed. Code 51860
 Elec. Code 12283
 Gov. Code 54950-54963
 M&V Code 1800

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20 USC 7905
 40 CFR 141.1-141.723

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Policy 1431: Waivers

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 12/05/2019 | **Last Reviewed Date:** 09/17/2024

The Governing Board recognizes that circumstances may arise in the operation of the district that require a waiver from state law or regulation. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state law or regulation which SBE has authority to waive pursuant to Education Code 33050.

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

If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

In addition, the Superintendent or designee shall consult with the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, 33051)

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

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

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, shall be printed in a newspaper of general circulation, posted at each school and three public places in the district, or published on the district's website.

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the Board has requested and received the same general waiver from SBE for two consecutive years, the Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Regulation 3311: Bids

Status: DRAFT

Original Adopted Date: 03/09/2017 | **Last Reviewed Date:** 04/15/2024

Advertised/Competitive Bids

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
 - a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

 - b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters

 - c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

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

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. For lease-leaseback, design-build, and alternative design-build projects, the notice shall specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

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

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

2. All bids for construction work shall be presented under sealed cover. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)
7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
 - a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination.
 - b. When the lowest bidder is determined to be nonresponsible, the Superintendent or designee shall notify the bidder of the right to present evidence of the bidder's responsibility at a hearing before the Board.
8. After being opened, all submitted bids become public records pursuant to Government Code 7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

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

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, or the bid specification, the bidder

may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

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

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Limitation on Use of Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

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

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

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

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

Bids Not Required

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

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

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

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

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

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

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

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Code of Civil Procedure 446	Verification of pleadings
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17250.60-17250.69	Alternative design-build contracts
Ed. Code 17406	Lease-leaseback contract
Ed. Code 17595	Purchase of supplies through Department of General Services
Ed. Code 17602	Purchase of surplus property from federal agencies
Ed. Code 38083	Purchase of perishable foodstuffs and seasonal commodities
Ed. Code 38110-38120	Apparatus and supplies
Ed. Code 39802	Transportation services
Gov. Code 4217.10-4217.18	Energy conservation contracts
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Regulation 3311.3: Design-Build Contracts

Status: DRAFT

Original Adopted Date: 05/20/2021 | **Last Reviewed Date:** 04/15/2024

Until January 1, 2025, the Governing Board may approve a design-build contract with a single entity for both design and construction of any school facility in excess of \$1,000,000, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)

Additionally, until January 1, 2029, the Board may approve an alternative design-build contract with a single entity for both design and construction of any school facility in excess of \$5,000,000. Such contracts may be awarded to the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price, technical design and construction expertise, and life-cycle costs. The district's determination of price shall be based on the open book evaluation of construction subcontracts. The contract may be subject to further negotiations or amendment and may be terminated by the district if the district and the design-build entity are unable to reach an agreement. (Education Code 17250.61, 17250.62, 17250.65)

Design-build documents shall not include provisions for long-term project operations, but may include operations during a training or transition period. (Education Code 17250.25, 17250.62)

Procedures for Awarding the Contract

The procurement process for design-build and alternative design-build projects shall be as follows: (Education Code 17250.25, 17250.35, 17250.62, 17250.65; Public Contract Code 2600)

1. Performance Specifications: The district shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited to:

- a. The size, type, and desired design character of the project
- b. Performance specifications that cover the quality of materials, equipment, and workmanship
- c. Preliminary plans or building layouts
- d. Any other information deemed necessary to describe adequately the district's needs

The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

2. 2. Prequalification: The district shall prepare and issue a request for qualifications in order to prequalify, or develop a short list of, the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:

- a. Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the district to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the district to inform interested parties of the contracting opportunity
- b. Significant factors that the district reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other non-price-related factors
- c. A standard template request for statements of qualifications prepared by the district, which shall contain all of the information required pursuant to Education Code 17250.25 or 17250.62
- d. A notice that the project is subject to the skilled and trained workforce requirements specified in Public Contract Code 2600-2603

The district also may identify specific types of subcontractors that must be included in the statement of qualifications and proposal.

3. Request for Proposals: The district shall prepare a request for proposals (RFP) that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the district. The RFP shall include the information identified in Items #2a, 2b, and 2d above and the relative importance or weight assigned to each of the factors. If the district uses a best value selection method for a project, the district may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the district shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the district to ensure that any discussions or negotiations are conducted in good faith.
4. Selection Based on Low Bid: For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder
5. Selection Based on Best Value: For those projects utilizing best value as a selection method, the following procedures shall be used:
 - a. Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the district. The proposal for a design-build project, as specified in 17250.25, shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life-cycle costs over 15 or more years. The proposal for an alternative design-build project, as specified in 17250.62, shall, at a minimum, include design cost, general conditions, overhead, and profit as a component of the project price, unless a stipulated sum for the project is specified; technical design and construction expertise; and life-cycle costs over 15 or more years.
 - b. Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked
 - c. The contract shall be awarded to the responsible entity whose proposal is determined by the district to have offered the best value to the public
 - d. The district shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy an external audit.

Skilled and Trained Workforce

A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the district that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the district's project labor agreement, or through an agreement with the district to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25, 17250.62; Public Contract Code 2602)

Skilled and trained workforce means that all the workers performing the work are either skilled journeypersons or apprentices registered in a state-approved apprenticeship program. At least 60 percent of the skilled journeypersons employed to perform the work shall be graduates of an apprenticeship program for the applicable occupation or at least 60 percent of the hours worked by skilled journeypersons shall be performed by graduates of an apprenticeship program, with the exception of certain occupations specified in Public Contract Code 2601 which are subject to a 30 percent threshold. (Public Contract Code 2601)

If the contractor fails to provide the monthly report demonstrating compliance with the skilled and trained workforce requirements or provides an incomplete report, the district shall withhold further payments until a complete report is provided. If a report does not demonstrate compliance with the skilled and trained workforce requirements, the district shall withhold further payments until the contractor provides a sufficient plan to achieve substantial compliance with respect to the relevant apprenticeable occupation, prior to completion of the contract or project. In addition, the district shall forward to the Labor Commissioner a copy of the monthly report, any plan to achieve compliance, and the district's response to that plan. (Public Contract Code 2602)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 17250.10-17250.55

Description

[Design-build contracts](#)

Ed. Code 17250.60-17250.69

[Alternative design-build contracts](#)

Pub. Cont. Code 2600-2603

[Skilled and trained workforce requirements](#)

Management Resources References

Description

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Association of School Business Officials](#)

Website

[California Department of Education, School Facilities](#)

Website

[CSBA](#)

Cross References

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[Bids](#)

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Policy 3312: Contracts

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 04/15/2024

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected, that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

In addition, Board members and district employees involved in the making of contracts on behalf of the district shall comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district. To be valid or to constitute an enforceable obligation against the district, all such contracts must be approved and/or ratified by the Board.

Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure. No contract shall prohibit a district employee from disparaging the goods or services of any contracting party.

Contracts for Non-nutritious Foods or Beverages

The district shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable nutritional standards specified in Education Code 49431-49431.7, 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 220.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law.

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

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

1. Procedures that produce accurate and reliable financial statements and, at the same time, safeguard the assets, financial resources, and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.
2. Procedures to ensure that district personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for district proceeds directly to the control office.

To ensure that funds raised by the contract benefit district schools and students:

1. The Superintendent or designee may invite parents/guardians, students, staff, and interested community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.
2. Prior to ratifying the contract, the Board shall designate the specific programs and activities that will be funded by the proceeds of the contract and consider how the contract reflects the district's vision and goals.
3. The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee

the number of food items or beverages sold within the district and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.

4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fundraising activities.

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

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

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

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

Contracts for Electronic Products or Services

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

1. Enters into the contract at a noticed, public hearing of the Board.
2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.
3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. A request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

The district may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the district that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other district employee, and do not include de-identified information. (Education Code 49073.1)

Any such contract shall contain all of the following: (Education Code 49073.1)

1. A statement that student records continue to be the property of and under the control of the district
2. If applicable, a description of the means by which students may retain possession and control of their own

student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account

3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract
4. A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records
6. A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records
7. A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content
8. A description of how the district and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act, 20 USC 1232g
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising

Contracts for Personal Services

In order to achieve cost savings, the district may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the district meets the numerous conditions specified in Education Code 45103.1.

In addition, the district may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exists: (Education Code 45103.1)

1. The contract is for new district functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors
2. The services contracted are not available within the district, cannot be performed satisfactorily by district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the district
3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented
4. The district's policy, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary district hiring process
5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply
6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the district in the location where the services are to be performed
7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the district's regular or ordinary hiring process would frustrate their very purpose

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 15500	Food sales in elementary schools
5 CCR 15501	Food sales in high schools and junior high schools
5 CCR 15575-15578	Requirements for foods and beverages outside the federal meals program
Ed. Code 14505	Provisions required in contracts for audits
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17595-17606	Contracts
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 35182.5	Contracts for advertising
Ed. Code 45103.1	Personal services contracts
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 49073.1	Contract requirements for digital storage, maintenance and retrieval of student records
Ed. Code 49431-49431.7	Nutritional standards
Gov. Code 12990	Nondiscrimination and compliance employment programs
Gov. Code 53260	Contract provision re maximum cash settlement
Gov. Code 53262	Employment contracts
Gov. Code 84308	Campaign Disclosure
Lab. Code 1775	Penalties for violations
Lab. Code 1810-1813	Working hours
Pub. Cont. Code 20104.50	Timely progress payments
Pub. Cont. Code 20111	Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
Pub. Cont. Code 22300	Performance retentions
Pub. Cont. Code 4100-4114	Subletting and subcontracting fair practices
Pub. Cont. Code 6102	Awarding of contracts
Pub. Cont. Code 7104	Contracts for excavations; discovery of hazardous waste
Pub. Cont. Code 7106	Noncollusion affidavit

Federal References

	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
7 CFR 210.1-210.33	National School Lunch Program
7 CFR 220.1-220.21	National School Breakfast Program

Management Resources References

	Description
CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006
Website	CSBA District and County Office of Education Legal Services
Website	CSBA
Website	California Association of School Business Officials

Cross References**Description**

0100	Philosophy
0200	Goals For The School District
0440	District Technology Plan
0440	District Technology Plan
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1230	School-Connected Organizations
1230	School-Connected Organizations
1321	Solicitation Of Funds From And By Students
1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion
1340	Access To District Records
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
2121	Superintendent's Contract
3000	Concepts And Roles
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3100	Budget
3230	Federal Grant Funds
3230	Federal Grant Funds
3290	Gifts, Grants And Bequests
3300	Expenditures And Purchases
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3311.1	Uniform Public Construction Cost Accounting Procedures
3311.2	Lease-Leaseback Contracts
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3314	Payment For Goods And Services
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3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3511.1	Integrated Waste Management
3511.1	Integrated Waste Management
3540	Transportation
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3551	Food Service Operations/Cafeteria Fund
3551	Food Service Operations/Cafeteria Fund

Cross References

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Policy 3400: Management Of District Assets/Accounts

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 09/17/2024

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the district's assets and resources in order to help achieve the district's goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district's ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. The Superintendent or designee shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards as specified by the California Department of Education and, as appropriate, the Governmental Accounting Standards Board (GASB). When required by law or as directed by the Board, and in accordance with Board Policy and Administrative Regulation 3460 - Financial Reports and Accountability, the Superintendent or designee shall submit to the Board reports of the district's financial status.

Capital Assets

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

Internal Controls/Fraud Prevention

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

Board members and district employees involved in the making of contracts on behalf of the district shall comply with the district's conflict of interest policy as specified in Board Bylaw 9270 - Conflict of Interest.

The Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district, assist with effective and efficient operation of the district, produce reliable financial information, and ensure compliance with all applicable laws and regulations. These internal controls may include, but are not limited to, segregating and monitoring employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; developing timely reconciliations of budgets, ledgers, and accounts; conducting background checks on business office employees; and requiring continuous in-service training for business office staff and board members on the importance of fraud prevention, financial management, budget, and governance.

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

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 1241.5
 Ed. Code 14500-14508
 Ed. Code 35035
 Ed. Code 35250
 Ed. Code 41010-41023
 Ed. Code 42600-42603
 Ed. Code 42647
 Elec. Code 1090-1099
 Gov. Code 53995-53997
 Gov. Code 84308
 Gov. Code 87100-87500

Description

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[Powers and duties of the superintendent; transfer authority](#)
[Duty to keep certain records and reports](#)
[Accounting regulations; budget controls and audits](#)
[Control of expenditures](#)
[Drawing of warrants by district on county treasurer; form; reports, statements, and other data](#)
 Prohibitions applicable to specified officers
[Obligation of contract](#)
[Campaign Disclosure](#)
[Political Reform Act](#)

Management Resources References

Governmental Accounting Standards Board Pub.
 Governmental Accounting Standards Board Pub.
 Governmental Accounting Standards Board Statement
 Governmental Accounting Standards Board Statement
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Description

[Implementation Guide No. 2019-3, Leases, August 2019](#)
[Implementation Guide No. 2023-1, Implementation Guidance Update – 2023, June 2023](#)
[Statement 96, Subscription-Based Information Technology Arrangements, May 2020](#)
[Statement 87, Leases, June 2017](#)
[Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999](#)
[CSBA District and County Office of Education Legal Services](#)
[Governmental Accounting Standards Board](#)
[California Department of Education, Finance and Grants](#)
[California State Controller](#)
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[Fiscal Crisis and Management Assistance Team](#)
[California Association of School Business Officials](#)
[School Services of California, Inc.](#)

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Description[Revolving Funds](#)[Inventories](#)[Petty Cash Funds](#)[Student Activity Funds](#)[Financial Reports And Accountability](#)[Financial Reports And Accountability](#)[Debt Issuance And Management](#)[Energy And Water Management](#)[Energy And Water Management](#)[Risk Management/Insurance](#)[Risk Management/Insurance](#)[Food Service Operations/Cafeteria Fund](#)[Food Service Operations/Cafeteria Fund](#)[Personnel Files](#)[Civil And Legal Rights](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Employee Compensation](#)[Personnel Files](#)[Civil And Legal Rights](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Employee Compensation](#)[Personnel Files](#)[Civil And Legal Rights](#)[Unauthorized Release Of Confidential/Privileged Information](#)[Employee Compensation](#)[Awards For Achievement](#)[Awards For Achievement](#)[Attorney](#)[Conflict Of Interest](#)[Conflict Of Interest](#)

Regulation 3400: Management Of District Assets/Accounts

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 09/17/2024

Accounts

The district's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education (CDE) School Accounting Manual. (Education Code 41010)

The district shall utilize CDE's standardized account code structure (SACS) software to develop financial reports. The district's accounting system shall comply with generally accepted accounting principles prescribed by the Governmental Accounting Standards Board (GASB) and meet other state and federal reporting guidelines.

The Superintendent or designee shall ensure that funds are encumbered in the district accounting records immediately after an expenditure is committed for subsequent payment.

Fraud and Misappropriation of Funds

Fraud, financial improprieties, or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the district
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document
3. Misappropriation of funds, securities, supplies, or other assets
4. Impropriety in the handling of money or reporting of financial transactions
5. Profiteering as a result of insider knowledge of district information or activities
6. Disclosing confidential and/or proprietary information to outside parties
7. Disclosing investment activities engaged in or contemplated by the district
8. Accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials to the district
9. Destroying, removing, or inappropriately using of records, furniture, fixtures, or equipment
10. Failing to provide financial records to authorized state or local entities
11. Overstating income, expenses, or misreporting time
12. Failing to report a conflict of interest
13. Any other dishonest or fraudulent act

District Investigation

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter, any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation, and discussing or disclosing the result of any investigation shall be made in consultation with legal counsel.

County Office of Education Investigation

The district shall cooperate with the County Superintendent of Schools, Fiscal Crisis and Management Assistance Team (FCMAT), law enforcement, or other governmental entities that conduct a fraud investigation, in accordance with law. (Education Code 1241.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 1241.5	Audit by county superintendent
Ed. Code 14500-14508	Financial and compliance audits
Ed. Code 35035	Powers and duties of the superintendent; transfer authority
Ed. Code 35250	Duty to keep certain records and reports
Ed. Code 41010-41023	Accounting regulations; budget controls and audits
Ed. Code 42600-42603	Control of expenditures
Ed. Code 42647	Drawing of warrants by district on county treasurer; form; reports, statements, and other data
Elec. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 53995-53997	Obligation of contract
Gov. Code 84308	Campaign Disclosure
Gov. Code 87100-87500	Political Reform Act

Management Resources References

	Description
Governmental Accounting Standards Board Pub.	Implementation Guide No. 2019-3, Leases, August 2019
Governmental Accounting Standards Board Pub.	Implementation Guide No. 2023-1, Implementation Guidance Update – 2023, June 2023
Governmental Accounting Standards Board Statement	Statement 96, Subscription-Based Information Technology Arrangements, May 2020
Governmental Accounting Standards Board Statement	Statement 87, Leases, June 2017
Governmental Accounting Standards Board Statement	Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999
Website	CSBA District and County Office of Education Legal Services
Website	Governmental Accounting Standards Board
Website	California Department of Education, Finance and Grants
Website	California State Controller
Website	CSBA
Website	Fiscal Crisis and Management Assistance Team
Website	California Association of School Business Officials
Website	School Services of California, Inc.

Cross References

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3100	Budget
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3110	Transfer Of Funds
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3300	Expenditures And Purchases
3312	Contracts
3314	Payment For Goods And Services
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3452	Student Activity Funds
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3460	Financial Reports And Accountability
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Policy 3460: Financial Reports And Accountability

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 11/09/2023 | **Last Reviewed Date:** 04/15/2024

The Governing Board is committed to ensuring public accountability and the fiscal health of the district. The Board shall adopt sound fiscal management policies and practices, oversee the district's financial condition, and continually evaluate whether the district's budget and financial operations support the district's goals for student achievement.

The Superintendent or designee shall ensure that district financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education (CDE). The Superintendent or designee shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

When required by law or as directed by the Board, the Superintendent or designee shall submit to the Board reports of the district's financial status, including, but not limited to, any report specified in this Board policy or accompanying administrative regulation. When submission of any such report to a local, state, and/or federal agency requires prior Board approval, the Superintendent or designee shall provide the report to the Board in sufficient time to enable the Board to carefully review the report without breaking any applicable submission deadline.

The Board shall regularly assess the district's financial position and communicate the results to the public, and shall use financial reports to determine the actions and budget amendments, if any, that are needed to ensure the district's financial stability. If district conditions predict fiscal distress or indicate that the district might not be able to meet its fiscal obligations, the Board and Superintendent or designee shall take action to resolve these conditions without delay. The Board shall work cooperatively with the County Superintendent of Schools to improve the district's fiscal health and may contract with an external individual or organization to provide the district with needed advice or fiscal management or training.

If the district is facing fiscal insolvency, the Board may consider applying to the state for an emergency apportionment that exceeds 200 percent of the district's recommended reserve. Before applying for such emergency apportionment, the Board shall discuss, at a regular or special meeting, the need for an emergency apportionment and receive testimony regarding the apportionment from parents/guardians, the exclusive representatives of employees of the district, and other members of the community. (Education Code 41326)

Unaudited Actual Receipts and Expenditures

On or before September 15, the Board shall approve and file with the County Superintendent a statement of the district's unaudited actual receipts and expenditures for the preceding fiscal year. The Superintendent or designee shall prepare this statement using the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42100)

Gann Appropriations Limit Resolution

On or before September 15, the Board shall, at a regular or special meeting, adopt a resolution identifying, pursuant to Government Code 7900-7914, the district's estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132; Government Code 7910)

Interim Reports/Certification of Ability to Meet Fiscal Obligations

Each fiscal year, the Superintendent or designee shall submit two interim reports to the Board. The first report shall cover the district's financial and budgetary status for the period ending October 31 and the second report shall cover the period ending January 31. These reports and supporting data shall be made available by the district for public review. (Education Code 42130)

Within 45 days after the close of the period reported, the Board shall approve the interim report and, on the basis of the interim report and any additional financial information known by the Board, shall certify in writing whether the district will be able to meet its fiscal obligations for the remainder of the fiscal year and, based on current forecasts,

for the two subsequent fiscal years. The certification shall be classified as one of the following: (Education Code 42130, 42131)

1. "Positive certification" indicating that the district will meet its financial obligations for the current fiscal year and two subsequent fiscal years
2. "Qualified certification" indicating that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years
3. "Negative certification" indicating that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year

The Superintendent or designee shall submit a copy of each interim report and certification to the County Superintendent using the state's SACS software, as prescribed by the SPI. (Education Code 42130, 42131)

If the district's certification is subsequently changed by the County Superintendent from a positive to a qualified or negative certification, or from a qualified to a negative certification, the Board may appeal the decision to the SPI within five days of receiving the notice of change. (Education Code 42131)

Whenever the district receives a qualified or negative certification from the Board or the County Superintendent, the Superintendent or designee shall cooperate in the implementation of any remedial actions taken or prescribed by the County Superintendent. (Education Code 42131)

If the second interim report is accompanied by a qualified or negative certification, the Board shall, no later than June 1, provide to the County Superintendent, the State Controller, and the SPI a financial statement as of April 30 ("third interim report") that projects the district's fund and cash balances through June 30. (Education Code 42131)

If at any time during the fiscal year, the County Superintendent concludes that the district's budget does not comply with the standards and criteria for financial stability and conducts a comprehensive review of the district's financial and budgetary conditions, the Board shall review any report of the County Superintendent's findings and recommendations at a public Board meeting. Within 15 days of receiving the report, the district shall notify the County Superintendent and the SPI of the Board's proposed actions on the recommendation. (Education Code 42637)

Audit Report

By April 1 of each year, the Board shall provide for an annual audit of the district's books and accounts. (Education Code 41020)

To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

Except when, as determined by the Education Audits Appeal Panel, no otherwise eligible auditor is available, a public accounting firm whose lead or coordinating audit partner having primary responsibility for the audit or whose audit partner responsible for reviewing the audit has performed audit services for the district in each of the six previous fiscal years shall not be selected to perform a district audit. (Education Code 41020)

No later than December 15, the report of the audit for the preceding fiscal year shall be filed with the County Superintendent, CDE, and the State Controller. (Education Code 41020)

Prior to December 15 whenever possible, but in no case later than January 31, the Board shall review, at an open meeting, the annual district audit for the prior year, any audit exceptions identified in that audit, the

recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

The Board shall have an opportunity at the meeting to ask questions of the auditor and request further information about the audit findings.

Audit Committee

The Board may appoint an audit committee composed of staff knowledgeable about fiscal matters, other staff, and representatives of the community.

The committee shall serve in an advisory capacity and may:

1. Make recommendations regarding the selection of the external independent auditor in accordance with Education Code 41020 and 41020.5
2. Review the plan for the audit process with the independent auditor to determine the adequacy of the nature, scope, and timetable of the audit
3. Review the results of the audit and participate with the independent auditor and management in preparing final recommendations and responses
4. Participate with the independent auditor in presenting the audit report to the Board
5. Review Board policies and administrative regulations to recommend any revisions needed to ensure effective financial reporting
6. Provide input on the effectiveness of the independent auditor
7. Periodically report to the Board regarding the status of previous audit recommendations for improving the accounting and internal control systems

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 1859.104
5 CCR 15060
5 CCR 15070
5 CCR 15440-15451
5 CCR 15453-15464
5 CCR 19810-19826.1
Ed. Code 1240
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Ed. Code 17150-17150.1
Ed. Code 17170-17199.6
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Ed. Code 35035
 Ed. Code 41010-41024
 Ed. Code 41320-41322
 Ed. Code 41325-41329
 Ed. Code 41344
 Ed. Code 41344.1
 Ed. Code 41455
 Ed. Code 42100-42105
 Ed. Code 42122-42129
 Ed. Code 42130-42134
 Ed. Code 42140-42142
 Ed. Code 42637
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[Appropriations limit](#)

Federal References

2 CFR 200.0-200.521
 31 USC 7501-7507

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Federal uniform grant guidance
 Single audits of federal program funds

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California Department of Education Communication
 California Department of Education Communication
 Education Audit Appeals Panel Publication
 Fiscal Crisis & Management Assistance Team Pub.
 Fiscal Crisis & Management Assistance Team Pub.
 Governmental Accounting Standards Board Statement
 Governmental Accounting Standards Board Statement
 Governmental Accounting Standards Board Statement
 Governmental Accounting Standards Board Statement

Description

New Financial Reporting Requirements for Postemployment Benefits Other than Pensions, February 26, 2007
 Audit Resolution Process: Repayment Plans, December 8, 2000
 Guide for Annual Audits of K-12 Local Educational Agencies and State Compliance Reporting
 Indicators of Risk or Potential Insolvency For K-12 Local Education Agencies
 Fiscal Oversight Guide for AB 1200, AB 2756, AB 1840 and Related Legislation, September 2021
[Statement 87, Leases, June 2017](#)
[Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999](#)
 Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, February 2009
 Statement 75, Accounting and Financial Reporting for Post-employment Benefits Other Than Pensions, June 2015

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Office of Attorney General Publication	Guidance Regarding Laws Governing School Closures and Best Practices for Implementation in California, April 2023
U.S. Gov. Accountability Office & PCIE Publication	Government Auditing Standards, 2011
U.S. Gov. Accountability Office & PCIE Publication	Financial Audit Manual, revised 2008
Website	CSBA District and County Office of Education Legal Services
Website	Governmental Accounting Standards Board
Website	California State Controller
Website	U.S. Government Accountability Office
Website	California Department of Education, Finance and Grants
Website	Education Audit Appeals Panel
Website	California County Superintendents
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Website	School Services of California, Inc.
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Cross References**Description**

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Policy 3551: Food Service Operations/Cafeteria Fund

Status: DRAFT

Original Adopted Date: 05/17/2018 | **Last Revised Date:** 12/09/2022 | **Last Reviewed Date:** 04/12/2024

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

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

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by CDE. (42 USC 1776)

Meal Sales

Any student who requests a meal shall be served a nutritionally adequate breakfast and lunch free of charge, each school day. (Education Code 49501.5)

As permitted by law, additional or second meals, adult meals, and other nonprogram foods, such as smart snack compliant food and beverages sold in vending machines, may be sold to students. (Education Code 38082, 49501.5)

Meals may be sold to district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are authorized by the Superintendent or designee to be on campus. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments. Such procedures shall conform with 2 CFR 200.426 and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

Cafeteria Fund and Account

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and for reasonable and necessary indirect program costs as allowed by law.

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Contracts with Outside Services

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

Procurement of Foods, Equipment and Supplies

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

When soliciting for bids and contracts for the purchase of an agricultural food product, the district shall specify in the solicitation that only the purchase of agricultural food products grown, packed, or processed domestically is authorized, unless a specific exception applies. A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality, the quality of the domestic product is inferior to the quality of the nondomestic product, or the bid or price of the nondomestic product is more than 25 percent lower than the bid or price of the domestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception for three years from the date of purchase. (Food and Agriculture Code 58596.3)

Furthermore, the district shall accept a bid or price for an agricultural food product grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price for domestic product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by CDE to ensure compliance of the district's food service program with federal requirements.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

12 CCR 18928-18998.4

5 CCR 15550-15565

Ed. Code 38080-38086

Ed. Code 38090-38095

Ed. Code 38100-38103

Ed. Code 42646

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School lunch and breakfast programs

[School meals](#)

[Cafeterias; funds and accounts](#)

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[Alternate payroll procedure](#)

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Ed. Code 45103.5
 Ed. Code 49010
 Ed. Code 49431
 Ed. Code 49490-49494
 Ed. Code 49501.5-49506
 Ed. Code 49550.3-49562
 Ed. Code 49554
 Ed. Code 49580-49581
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Federal References

2 CFR 200
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 2 CFR 200.400-200.475
 2 CFR 200.56
 42 USC 1751-1769j
 42 USC 1771-1793
 42 USC 1773
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[Contracts for management consulting services; restrictions](#)
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 USDA foods

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[Food Distribution Program Administrative Manual](#)
[Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022](#)
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[Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023](#)
[Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022](#)
[Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021](#)
[Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015](#)

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California Department of Education Publication	Cafeteria Funds - Allowable Uses, NSD Management Bulletin, SNP-05-2020, February 2020
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
California Department of Education Publication	California School Accounting Manual
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014
U.S. Dept of Agriculture Publication	School Meals - FAQs
Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts
Website	California Department of Education, Accounting
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Department of Social Services
Website	California Department of Education, School Nutrition
Website	California School Nutrition Association

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Regulation 3551: Food Service Operations/Cafeteria Fund

Status: DRAFT

Original Adopted Date: 05/17/2018 | **Last Revised Date:** 12/09/2022 | **Last Reviewed Date:** 04/12/2024

Payments for Meals

The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

At the beginning of the school year, the Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of eligibility forms at the start of the school year
4. Posting the policy on the district's website

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free and reduced-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

The District shall take steps to minimize food waste and reduce food insecurity in district schools. (Health and Safety Code 114079)

The Superintendent or designee shall arrange to recover the maximum amount of edible food that would otherwise be disposed for donation to a local food recovery organization. (14 CCR 18991.3)

The district may also provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce that complies with Health and Safety Code 113992, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

The Superintendent or designee shall maintain records related to edible food recovery including a list of each food recovery service or organization that collects or receives the district's edible food, contact information for the service or organization, the types of food, frequency, and quantity that will be collected or hauled by the district, and a copy of contracts or written agreements between the district and food recovery services or organizations. (14 CCR 18991.4)

Cafeteria Fund and Account

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. (Education Code 38090, 38093)

The cafeteria fund shall be used only for those expenditures authorized by the Governing Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

The district may use cafeteria funds to supplement the provision of a nutritionally adequate breakfast and/or lunch to district students when permitted by law.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the purpose of and basis for the expenditure. (Education Code 38101)

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed six months' average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

12 CCR 18928-18998.4
 5 CCR 15550-15565
 Ed. Code 38080-38086
 Ed. Code 38090-38095
 Ed. Code 38100-38103
 Ed. Code 42646
 Ed. Code 45103.5
 Ed. Code 49010
 Ed. Code 49431
 Ed. Code 49490-49494
 Ed. Code 49501.5-49506
 Ed. Code 49550.3-49562
 Ed. Code 49554
 Ed. Code 49580-49581
 F&A Code 58595
 F&A Code 58596.1-58596.5
 H&S Code 113700-114437
 Pub. Cont. Code 2000-2002
 Pub. Cont. Code 20111
 Pub. Cont. Code 3410

Federal References

2 CFR 200
 2 CFR 200.318-200.326
 2 CFR 200.400-200.475
 2 CFR 200.56
 42 USC 1751-1769j
 42 USC 1771-1793
 42 USC 1773
 7 CFR 210.1-210.33
 7 CFR 245.8
 7 CFR 250.1-250.70

Management Resources References

CA Dept of Social Services Publication
 California Department of Education Publication
 California Department of Education Publication

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Short-lived climate pollutants
 School lunch and breakfast programs
[School meals](#)
[Cafeterias; funds and accounts](#)
[Cafeterias; allocation of charges](#)
[Alternate payroll procedure](#)
[Contracts for management consulting services; restrictions](#)
 Educational activity; definition
 The Pupil Nutrition, Health, and Achievement Act of 2001
[School breakfast and lunch programs](#)
 School meals
 Meals for needy students
[Contract for services](#)
[Food recovery program](#)
[Preference for California-grown agricultural products](#)
[Buy American Food Act; purchase of nondomestic agricultural food products](#)
[California Retail Food Code; sanitation and safety requirements](#)
[Responsive bidders](#)
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Appendix VII Indirect cost proposals
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 Nondiscrimination practices for students eligible for free and reduced price meal and free milk
 USDA foods

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[Food Distribution Program Administrative Manual](#)
[Professional Standards in the SNPs, NSD Management Bulletin, SNP-13-2020, rev. January 2022](#)
[Food Service Management Company Contract Preapproval, NSD Management Bulletin, SNP-05-2023, March 2023](#)

Management Resources References**Description**

California Department of Education Publication	Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-04-2023, July 2023
California Department of Education Publication	Excess Net Cash Resources – Revised to Increase Limitation, NSD Management Bulletin, SNP-04-2022, May 2022
California Department of Education Publication	Pricing of Adult Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, SNP-04-2021, August 2021
California Department of Education Publication	Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015, January 2015
California Department of Education Publication	Cafeteria Funds - Allowable Uses, NSD Management Bulletin, SNP-05-2020, February 2020
California Department of Education Publication	Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018
California Department of Education Publication	California School Accounting Manual
U.S. Department of Agriculture Publication	Buy American and the Agriculture Improvement Act of 2018, SP-32-2019, August 2019
U.S. Department of Agriculture Publication	Procuring Local Foods for Child Nutrition Programs, January 2022
U.S. Department of Agriculture Publication	Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. Department of Agriculture Publication	Indirect Costs: Guidance for State Agencies and School Food Authorities, SP 60-2016, September 2016
U.S. Department of Agriculture Publication	Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP-38-2017, June 2017
U.S. Department of Agriculture Publication	Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014
U.S. Dept of Agriculture Publication	School Meals - FAQs
Website	CalRecycle, Resources for Local Education Agencies: K-12 Public Schools and School Districts
Website	California Department of Education, Accounting
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service
Website	California Department of Social Services
Website	California Department of Education, School Nutrition
Website	California School Nutrition Association

Cross References**Description**

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Policy 4151: Employee Compensation

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 04/12/2024

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Wage Overpayment

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages

Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans

Federal References

29 CFR 516.4
29 CFR 516.5-516.6
29 CFR 541.0-541.710
29 CFR 553.1-553.51
29 USC 201-219
29 USC 203
29 USC 207
29 USC 213

Description

Notice of minimum wage and overtime provisions
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Fair Labor Standards Act
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Exemptions from minimum wage and overtime requirements

Management Resources References

Court Decision

Office of Management and Budget Publication

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Website
Website
Website
Website

Description

Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Labor, Wage and Hour Division](#)
[Internal Revenue Service](#)
[School Services of California, Inc.](#)
[CSBA](#)

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Regulation 4217.3: Layoff/Rehire

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 03/10/2022 | **Last Reviewed Date:** 04/12/2024

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code 45114, 45308)

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine the length of service, provided the employee has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

Notice of Layoff and Hearing Rights

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the Superintendent or designee shall, no later than March 15 and before the employee is given formal notice by the Governing Board, give to the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The Superintendent or designee shall serve an employee who timely requests a hearing with District Statement of Reduction in Force documents. The employee has five calendar days from service of the documents to timely file a notice of participation with the district. The parties are entitled to discovery, if requested within 15 days of service. (Education Code 45117)

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with Government Code 11500-11529. At the hearing, the employee may be represented by an attorney or by a nonattorney representative of the employee organization designated as the exclusive representative for classified employees. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the Superintendent or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case such date may be extended by the number of days of the continuance. (Education Code 45117)

If during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue a District

Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

When classified positions are eliminated as a result of the expiration of a specifically funded program, the district shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The district is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the district may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

Reemployment

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

When a vacancy occurs, the district shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the district of the decision by any means no later than 10 calendar days from the date the notice was sent. If the employee accepts, the employee shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

Upon rejecting two offers of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, the employee's name shall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is reemployed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee

who was bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the district.

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code 45114, 45298)

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45105	Positions under various acts not requiring certification qualifications
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45114	Layoff and reemployment procedures; definitions
Ed. Code 45115	Layoff; reinstatement from service retirement
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45286	Limited term employees
Ed. Code 45297	Right to take equivalent examination while employee in military service
Ed. Code 45298	Reemployment of persons laid off; voluntary demotions or reductions in time
Ed. Code 45308	Order of layoff and reemployment; length of service
Ed. Code 45309	Reinstatement of permanent noncertified employees after resignation
Gov. Code 11500-11529	Administrative adjudication; formal hearings

Federal References

Federal References	Description
38 USC 4301-4335	Employment and reemployment rights of members of the uniformed services

Management Resources References

Management Resources References	Description
Court Decision	San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850
Court Decision	Tucker v. Grossmont Union High School District (2008) 168 Cal.App.4th 640
Website	CSBA District and County Office of Education Legal Services
Website	California School Employees Association

Cross References

Cross References	Description
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Policy 4251: Employee Compensation

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 04/12/2024

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Wage Overpayment

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages

Federal References

	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans

Federal References

29 CFR 516.4
 29 CFR 516.5-516.6
 29 CFR 541.0-541.710
 29 CFR 553.1-553.51
 29 USC 201-219
 29 USC 203
 29 USC 207
 29 USC 213

Description

Notice of minimum wage and overtime provisions
 Records
 Exemptions for executive, administrative, and professional employees
 Fair Labor Standards Act; applicability to public agencies
 Fair Labor Standards Act
 Definitions
 Fair Labor Standards Act
 Exemptions from minimum wage and overtime requirements

Management Resources References

Court Decision

 Office of Management and Budget Publication

 Website
 Website
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Description

Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
 Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Labor, Wage and Hour Division](#)
[Internal Revenue Service](#)
[School Services of California, Inc.](#)
[CSBA](#)

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Policy 4351: Employee Compensation

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 04/12/2024

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Wage Overpayment

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

^^

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages

Federal References

Federal References	Description
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans

Federal References

29 CFR 516.4
29 CFR 516.5-516.6
29 CFR 541.0-541.710
29 CFR 553.1-553.51
29 USC 201-219
29 USC 203
29 USC 207
29 USC 213

Description

Notice of minimum wage and overtime provisions
Records
Exemptions for executive, administrative, and professional employees
Fair Labor Standards Act; applicability to public agencies
Fair Labor Standards Act
Definitions
Fair Labor Standards Act
Exemptions from minimum wage and overtime requirements

Management Resources References

Court Decision

Office of Management and Budget Publication

Website
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Description

Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Labor, Wage and Hour Division](#)
[Internal Revenue Service](#)
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Cross References

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Policy 5116.2: Involuntary Student Transfers

Status: DRAFT

Original Adopted Date: Pending | **Last Reviewed Date:** 09/17/2024

While the Governing Board desires to enroll students in the district school of their choice, it recognizes that circumstances sometimes necessitate the involuntary transfer of a student to another school or program in the district.

The Superintendent or designee shall develop procedures to facilitate the involuntary transfer of such students.

As applicable and as permitted by law, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at the schools or programs to which the student could be involuntarily transferred, and the availability of support services and other resources.

The Superintendent or designee shall ensure that involuntary transfers are made in a non-discriminatory manner as specified in Board Policy 0410 - Nondiscrimination In District Programs And Activities.

Involuntary Transfer of a Student Convicted of Violent Felony or Misdemeanor Related to Possession of Firearms

A student may be transferred to another district school if the student is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which the student was convicted. However, before recommending such a transfer, the Superintendent, the principal, or other designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a meeting with the principal or designee and shall attempt to resolve the conflict using restorative justice, counseling, or other such services. Participation of the victim in any conflict resolution program shall be voluntary, and the victim shall not be subjected to any disciplinary action for refusing to participate. (Education Code 48929)

If the attempt to resolve the conflict using restorative justice, counseling, or other such services is not successful or the victim elects not to participate, the principal or designee may submit to the Superintendent or designee a recommendation that the student should be involuntarily transferred. If the Superintendent or designee agrees with the recommendation, the Superintendent shall submit such recommendation to the Board for approval. The Superintendent's recommendation to the Board shall include the date by which the Superintendent or designee will review the involuntary transfer to determine whether to recommend to the Board that the student be permitted to transfer back to the student's original school.

The Board shall, in accordance with Board Bylaw 9321 - Closed Session, deliberate and vote on the recommendation, as well as any subsequent recommendation to permit the student to transfer back to the student's original school, in closed session to maintain the confidentiality of student information, unless a parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decisions in these instances shall be final.

Involuntary Transfers to a Continuation Education Program or Class within the District

The Superintendent or designee may involuntarily transfer a high school student to a continuation education program or class in the district if the student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance and either of the following conditions are met: (Education Code 48432.5)

1. Other means to improve the student's behavior have failed
2. It is the first time the student committed an act enumerated in Section 48900 and the principal of the student's school determines that the student's presence causes a danger to person(s) or property or threatens to disrupt the instructional process.

Prior any final decision to involuntarily transfer a student, the Superintendent or designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a hearing with the Superintendent or designee. If such a hearing is requested, the Superintendent or designee shall provide the specific facts and reasons for the proposed transfer, including all documents relied upon. At the hearing, the Superintendent or designee shall also allow the student or the student's parent(s)/guardian(s) to question any evidence or witnesses presented and present evidence, including witnesses, on the student's behalf. The student shall be allowed to bring one or more representatives to present at the hearing. (Education Code 48432.5)

If the Superintendent or designee decides to involuntarily transfer the student, the Superintendent or designee shall provide the decision to the student and the student's parent(s)/guardian(s) in writing. The decision shall include the facts and reasons for the decision and whether the decision is subject to periodic review and the periodic review procedure. (Education Code 48432.5)

The decision shall also include the date by which the student may transfer back to the student's original school, which shall be no longer than the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. (Education Code 48432.5)

The final decision to involuntarily transfer the student may not involve a member of the staff of the school in which the student is enrolled at the time that the decision is made. (Education Code 48432.5)

Involuntary Transfers to a Community Day School within the District

If a student is expelled from school for any reason in accordance with Board Policy 5144.1 - Suspension And Expulsion/Due Process, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, the student may be transferred to a district community day school as specified in Board Policy 6185 - Community Day School. (Education Code 48662)

Notice, Information, and Reports

The Superintendent or designee shall include notice of this policy in the annual notification to parents/guardians in accordance with Education Code 48980. (Education Code 48929)

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices and reports sent to the parent(s)/guardian(s) of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications or reports for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

When a foster youth or American Indian Student, as defined in Welfare and Institutions Code 224.1, is being considered for an involuntary transfer, all notices, documents, and information that would be provided to parents/guardians shall be provided to the foster youth's educational rights holder, attorney, and county social worker and the American Indian Student's tribal social worker and, if applicable, county social worker. (Education Code 48853.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 234.1
Ed. Code 35146

Description

Monitoring, review, and assessment of antidiscrimination, antiharassment, anti-intimidation, and antibullying requirements
[Closed sessions; student matters](#)

State References

Ed. Code 48430-48438
 Ed. Code 48432.5
 Ed. Code 48660-48666
 Ed. Code 48662
 Ed. Code 48853.5
 Ed. Code 48900
 Ed. Code 48915
 Ed. Code 48929
 Ed. Code 48980
 Ed. Code 48981
 Ed. Code 48985
 Ed. Code 52164
 Pen. Code 29805
 Pen. Code 667.5
 W&I Code 224.1
 W&I Code 300

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[Continuation classes](#)
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[Community day schools](#)
[Involuntary transfer to community day school](#)
 Foster children; notice of educational rights; educational liaison; duties; continuation at school of origin; complaint of noncompliance
[Grounds for suspension or expulsion](#)
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[Parent/Guardian notifications](#)
 Timing and method of parent/guardian notifications
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[Definition of violent felony](#)
[Indian child; definition](#)
[Minors subject to jurisdiction](#)

Management Resources References

California Department of Education Memorandum
 Court Decision
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Description

Overuse and Improper Use of Voluntary and Involuntary Transfers, September 2023
 Nathan G. v. Clovis Unified School District (2014) 224 Cal.App.5th 1393
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education](#)
[CSBA](#)

Cross References

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[Campus Security](#)
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5145.6-E PDF(2)

5145.6-E PDF(3)

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Policy 5131.2: Bullying

Status: DRAFT

Original Adopted Date: 08/23/2018 | **Last Reviewed Date:** 09/17/2024

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

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

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

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 Administrative Regulation 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.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Bus. and Prof. Code 22589-22589.4

Ed. Code 200-270

Ed. Code 32280-32289.5

Ed. Code 35181

Description

Uniform complaint procedures

Cyberbullying Protection Act

[Prohibition of discrimination](#)

[School safety plans](#)

[Governing board authority to set policy on responsibilities of students](#)

State References

Ed. Code 35291-35291.5
 Ed. Code 46600
 Ed. Code 48900-48925
 Ed. Code 48985
 Ed. Code 52059.5-52077
 Pen. Code 422.55
 Pen. Code 647
 Pen. Code 647.7
 Pen. Code 653.2

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[Suspension and expulsion](#)
[Notices to parents in language other than English](#)
[Local control and accountability plan](#)
[Definition of hate crime](#)
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)
[Use of camera or other instrument to invade person's privacy; punishment](#)
[Electronic communication devices; threats to safety](#)

Federal References

28 CFR 35.107
 34 CFR 104.7
 34 CFR 106.8
 34 CFR 110.25
 47 USC 254

Description

Nondiscrimination on basis of disability; complaints
 Section 504; Designation of responsible employee and adoption of grievance procedures
 Designation of coordinator; dissemination of policy, and adoption of grievance procedures
 Notification of nondiscrimination on the basis of age
 Universal service discounts (E-rate)

Management Resources References

CA Office of the Attorney General Publication
 California Department of Education Publication
 California Department of Education Publication
 California Department of Education Publication
 California Department of Education Publication
 California Department of Education Publication
 Court Decision
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 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication
 CSBA Publication

Description

[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](#)
[Social and Emotional Learning in California: A Guide to Resources, October 2018](#)
[Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008](#)
[Bullying at School, 2003](#)
[Online Bullying Training Module and Bullying Module](#)
[California's Social and Emotional Learning: Guiding Principles, 2018](#)
 J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
 Lavine v. Blaine School District (2002) 279 F.3d 719
 Wynar v. Douglas County School District (2013) 728 F.3d 1062
[Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009](#)
[School Safety: Bullying and Cyberbullying, Policy Brief, October 2023](#)
[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](#)
 Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
[Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014](#)

Management Resources References

Description

CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOE Publication	Creating Inclusive and Nondiscriminatory School Environments for LGBTQ+ Students, June 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
US Department of Health and Human Services	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
Website	U.S. Department of Health and Human Services, Stop Bullying
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Partnership for Children and Youth
Website	Center on Great Teachers and Leaders
Website	Collaborative for Academic Social and Emotional Learning
Website	Common Sense Media
Website	California Department of Education, Safe Schools
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

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[Staff Development](#)
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Regulation 5131.2: Bullying

Status: DRAFT

Original Adopted Date: 09/12/2019 | **Last Reviewed Date:** 09/17/2024

Examples of Prohibited Conduct

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

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

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

Measures to Prevent Bullying

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

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
3. Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
6. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

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

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

Information and Resources

The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

Student Instruction

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 development, respect for cultural and individual differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior.

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

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

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

Reporting and Filing of Complaints

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.

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 Administrative Regulation 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether 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 such observation to the principal or a district compliance officer, regardless of whether 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 Administrative Regulation 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the Superintendent or designee may report the cyberbullying to the social media platform and may request the material be removed.

Discipline/Corrective Actions

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.

When a student has been suspended, or other means of correction have been implemented against the student, for

an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

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.

Support Services

The Superintendent, principal, or 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)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, in accordance with Board Policy and Administrative Regulation 5141.52 - Suicide Prevention.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
5 CCR 4600-4670	Uniform complaint procedures
Bus. and Prof. Code 22589-22589.4	Cyberbullying Protection Act
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 46600	Student transfers
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52059.5-52077	Local control and accountability plan
Pen. Code 422.55	Definition of hate crime
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 647.7	Use of camera or other instrument to invade person's privacy; punishment
Pen. Code 653.2	Electronic communication devices; threats to safety

Federal References

Federal References	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
47 USC 254	Universal service discounts (E-rate)

Management Resources References**Description**

CA Office of the Attorney General Publication	Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, October 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Online Bullying Training Module and Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District (2013) 728 F.3d 1062
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	School Safety: Bullying and Cyberbullying, Policy Brief, October 2023
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOE Publication	Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
US Department of Health and Human Services	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
Website	U.S. Department of Health and Human Services, Stop Bullying
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Partnership for Children and Youth
Website	Center on Great Teachers and Leaders
Website	Collaborative for Academic Social and Emotional Learning

Management Resources References

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Description[Common Sense Media](#)[California Department of Education, Safe Schools](#)[California Office of the Attorney General](#)[CSBA](#)[U.S. Department of Education](#)**Cross References**

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Policy 5131.9: Academic Honesty

Status: DRAFT

Original Adopted Date: 10/20/2016 | Last Reviewed Date: 04/12/2024

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize, or commit other acts of academic dishonesty.

Students, parents/guardians, staff, and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Prohibited and Permitted Technology Use

As the district's standards for academic achievement are designed to challenge all students to reach their full potential in acquiring the knowledge and skills needed for success in postsecondary education, employment, and responsible citizenship, any use of technology that prevents or inhibits a student from achieving these standards is prohibited. Prohibited uses include, but are not limited to, using technology primarily or solely for the completion of coursework as a student's original work and generating answers to mathematical, scientific, or analytical problems.

Permitted uses of technology include, but are not limited to, conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications.

Additionally, consistent with the limitations expressed in this policy and with teacher consent, students may also use technology to assist with assessments, homework, and/or makeup work or other uses approved by the teacher.

However, a student with a disability shall be permitted to use technology for any purpose identified in the student's individualized education program as a tool to support the student's learning.

If an employee suspects that a student has used technology in violation of this policy, the student shall be given the opportunity to demonstrate that the use of technology was in accordance with this policy.

Any information acquired from an employee's use of technology in determining whether a student has committed an act of academic dishonesty shall be shared with the student, and the student's parent/guardian as appropriate.

The Superintendent or designee may provide training to staff regarding the use of technology to improve education, including the detection of plagiarism and sensitivity to potential discrimination from algorithmic bias.

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35291-35291.5

Ed. Code 56341.1

Description

[Rules](#)

[Assistive technology devices for a student with a disability](#)

Federal References

20 USC 1401

Description

Assistive technology device; definition

Management Resources References**Description**

Metropolitan Ed. Research Consortium Publication	Balancing the Benefits and Risks of AI Large Language Models in K12 Public Schools, 2023
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023
Website	Metropolitan Educational Research Consortium
Website	CSBA District and County Office of Education Legal Services

Cross References**Description**

4040	Employee Use Of Technology
4040	Employee Use Of Technology
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5131.8	Mobile Communication Devices
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5144	Discipline
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6162.6	Use Of Copyrighted Materials
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6163.4	Student Use Of Technology
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Regulation 5141.21: Administering Medication And Monitoring Health Conditions

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 09/17/2024

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Albuterol means a bronchodilator used to open the airways by relaxing the muscles around the bronchial tubes. (Education Code 49414.7)

Inhaler means a device used for the delivery of prescribed asthma medication that is inhaled. (Education Code 49414.7)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)
3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in Items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in Items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site

3. Any limitations on the individual's authority

Health Care Provider Statement

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)
6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and maintain on the list the type of medication and the times and dosage to be administered
4. Maintain for each student a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information

- b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance
14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Emergency Epinephrine Auto-Injectors and Emergency Albuterol Inhalers

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other trained personnel who have volunteered to administer them in an emergency and have received training. The school nurse, or when a school nurse or physician is unavailable, a trained volunteer may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. A trained volunteer may include the holder of an Activity Supervisor Clearance Certificate who has received specified training. (Education Code 49414)

Additionally, the Superintendent or designee may make emergency stock albuterol inhalers available to school nurses and trained personnel who have volunteered to be used to provide medical aid to person(s) suffering, or reasonably believed to be suffering, from respiratory distress. (Education Code 49414.7)

At least once per school year, the Superintendent or designee shall distribute to all employees a notice requesting volunteers to be trained to administer epinephrine auto-injectors and/or stock albuterol inhalers for emergency aid to individuals exhibiting signs of anaphylaxis reaction or respiratory distress. Such notice shall also describe the training that the volunteers will receive. (Education Code 49414, 49414.7)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 or 49414.7, and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414, 49414.7)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors or stock albuterol inhalers for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414, 49414.7)

Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

The district shall store emergency epinephrine auto-injectors and stock albuterol inhalers in an accessible location, and shall specify such location in annual notices to staff.

If either medication is used, the school nurse or other qualified supervisor of health shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, all medications shall be restocked before their expiration date. (Education Code 49414, 49414.7)

Any volunteer or trained personnel who administers either medication shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials retained by the school. (Education Code 49414, 49414.7)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors and/or stock albuterol inhalers shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414, 49414.7)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414 or 49414.7, including, but not limited to, the acceptance of epinephrine auto-injectors and/or emergency albuterol inhalers from a manufacturer or wholesaler. (Education Code 49414, 49414.7)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of the described medications for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

Emergency Medication for Opioid Overdose

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

Additionally, if the district accepts emergency naloxone hydrochloride or another opioid antagonist from the county office of education (COE), the Superintendent or designee shall maintain at least two units of the medication at each district middle, junior high, high, and adult school. (Education Code 49414.8)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an

opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The principal or designee shall designate two or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3, 49414.8)

Each volunteer shall meet the minimum standards of training for the administration of an emergency opioid antagonist as specified in Education Code 49414.3 or shall have undergone opioid overdose prevention and treatment training and reviewed material available on the California Department of Public Health's website. (Education Code 49414.8)

Any prescription for naloxone hydrochloride or another opioid antagonist shall be obtained by a school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3, 49414.8)

Employees and volunteers that render emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission, unless such act constitutes gross negligence or willful or wanton misconduct. (Health and Safety Code 1799.113)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer in writing and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a COE, manufacturer, or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

Anti-Seizure Medication

A school nurse or, if a school nurse is not onsite or available, a volunteer designated by the district may administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed such medication from the student's health care provider and is suffering from a seizure. (Education Code 49468.2)

Upon receipt of a request from the parent/guardian of a student diagnosed with seizures, a seizure disorder, or epilepsy who has been prescribed emergency anti-seizure medication, the Superintendent or designee may designate one or more volunteer(s) at the student's school to receive initial and annual refresher training regarding the

emergency use of anti-seizure medication. (Education Code 49468.2)

In order to solicit volunteers, the district shall distribute a notice at least once, but no more than two times per school year, to all staff that includes the following information: (Education Code 49468.2)

1. A description of the volunteer request stating that the request is for volunteers to be trained to recognize and respond to seizures, including training to administer emergency anti-seizure medication to a student diagnosed with seizures, a seizure disorder, or epilepsy if the student is suffering from a seizure
2. A description of the training that the volunteer will receive
3. The right of an employee to rescind the offer to volunteer
4. A statement that there will be no retaliation against any individual for rescinding the offer to volunteer, including after receiving training

A volunteer may rescind the offer to administer emergency anti-seizure medication at any time, including after receipt of training. (Education Code 49468.2)

If a volunteer rescinds the offer to volunteer or is no longer able to act as a volunteer for any reason, or if the placement of a student changes and the student no longer has access to a trained volunteer, the district may distribute an additional two notices per school year to all staff. (Education Code 49468.2)

Volunteer employees shall receive initial and annual refresher training, based on standards adopted by the SPI, regarding the recognition and response to seizures and the administration of emergency anti-seizure medication. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49468.2)

Before administering emergency anti-seizure medication or therapy prescribed to treat seizures in a student diagnosed with seizures, a seizure disorder, or epilepsy, the district shall obtain from the student's parent/guardian a seizure action plan as specified in Education Code 49468.3. The school or district nurse shall collaborate with the parent/guardian of each student diagnosed with seizures, a seizure disorder, or epilepsy in the development of a plan if the student does not have an individualized education plan or Section 504 plan. (Education Code 49468.3)

If the school obtains written consent from the student's parent/guardian, in accordance with 34 CFR 99.30, the seizure action plan shall be distributed to any school staff or volunteers responsible for the supervision or care of the student. (Education Code 49468.3)

Upon receipt of a request from a parent/guardian of a student diagnosed with seizure, a seizure disorder, or epilepsy, the district shall notify the parent/guardian that the student may qualify for services or accommodations pursuant to Section 504 of the federal Rehabilitation Act of 1973 or an individualized education program and shall assist the parent/guardian with the exploration of that option. (Education Code 49468.2)

Additionally, if there are no volunteers at the student's school, the Superintendent or designee shall notify the student's parent/guardian of the student's right to be assessed for services and accommodations guaranteed under Section 504 of the federal Rehabilitation Act of 1973 and the federal Individuals with Disabilities Education Act, and may ask the parent/guardian to sign such notices. (Education Code 49468.2)

The principal or designee shall notify the school nurse assigned to the school, or if a school nurse is not assigned to the school or district, the Superintendent or designee, if an employee administers an emergency anti-seizure medication. (Education Code 49468.3)

The notification described above and the seizure action plan shall be kept on file in the office of the school nurse or a school administrator, in compliance with all applicable state and federal privacy laws. (Education Code 49468.3)

The district shall provide volunteers defense and indemnification for any and all civil liability, with information stating such being provided to the volunteer in writing and retained in the volunteer's personnel file. (Education Code 49468.5)

Trained volunteers who administer emergency anti-seizure medication or medication prescribed for seizure disorder

symptoms to a student diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for acts or omissions in administering the emergency anti-seizure medication. (Education Code 49468.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 600-611
 Bus. Code 2700-2837
 Bus. Code 3500-3546
 Bus. Code 4119.2
 Bus. Code 4119.8
 Ed. Code 48980
 Ed. Code 49407
 Ed. Code 49408
 Ed. Code 49414
 Ed. Code 49414.3
 Ed. Code 49414.4
 Ed. Code 49414.5
 Ed. Code 49414.7
 Ed. Code 49414.8
 Ed. Code 49422-49427
 Ed. Code 49423
 Ed. Code 49423.1
 Ed. Code 49426.5
 Ed. Code 49468-49468.5
 Ed. Code 49480
 H&S 1799.113
 H&S Code 11362.7-11362.85

Description

Administering medication to students
[Nursing](#)
[Physician assistants](#)
[Acquisition of epinephrine auto-injectors](#)
[Acquisition of naloxone hydrochloride or another opioid antagonist](#)
[Parent/Guardian notifications](#)
[Liability for treatment](#)
[Student emergency information](#)
[Emergency epinephrine auto-injectors](#)
[Emergency medical assistance; administration of medication for opioid overdose](#)
 Opioid Misuse
[Providing school personnel with voluntary emergency training](#)
 Administration of albuterol inhalers
 Funding for emergency opioid antagonists; requirements
[Employment of medical personnel](#)
[Administration of prescribed medication for student](#)
[Inhaled asthma medication](#)
 Licensed vocational nurses
 The Seizure Safe Schools Act
[Continuing medication regimen; notice](#)
 Opioid overdose treatment
[Medicinal cannabis](#)

Federal References

20 USC 1232g
 20 USC 1400-1482
 21 USC 812
 21 USC 844
 29 USC 794
 34 CFR 99.30

Description

Family Educational Rights and Privacy Act (FERPA) of 1974
 Individuals with Disabilities Education Act
 Schedule of controlled substances
 Penalties for possession of controlled substance
 Rehabilitation Act of 1973; Section 504
 Conditions under which prior written consent is required to disclose information

Management Resources References

American Diabetes Association Publication
 American Diabetes Association Publication

Description

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
 Program Advisory on Medication Administration, 2005

Management Resources References

American Diabetes Association Publication

Court Decision

National Diabetes Education Program Publication

Website

Website

Website

Website

Website

Website

Website

Description

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

American Nurses Association v. Torlakson (2013) 57 Cal.4th 570

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

[CSBA District and County Office of Education Legal Services](#)[National Diabetes Education Program](#)[U.S. Department of Health and Human Services, National Heart, Lung, and Blood Institute](#)[American Diabetes Association](#)[California Department of Education, Health Services and School Nursing](#)[CSBA](#)[California Department of Public Health](#)**Cross References**

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4112.9-E PDF(1)

4112.9-E PDF(2)

4112.9-E PDF(3)

4112.9-E(1)

4112.9-E(2)

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4212.9-E PDF(2)

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4312.9-E(1)

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Description[Emergencies And Disaster Preparedness Plan](#)[Emergencies And Disaster Preparedness Plan](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Universal Precautions](#)[Universal Precautions](#)[Staff Development](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Universal Precautions](#)[Universal Precautions](#)[Staff Development](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Employee Notifications](#)[Universal Precautions](#)[Universal Precautions](#)[Student And Family Privacy Rights](#)

Cross References

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5145.6-E(1)

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Description[Student And Family Privacy Rights](#)[Absences And Excuses](#)[Absences And Excuses](#)[Chronic Absence And Truancy](#)[Chronic Absence And Truancy](#)[Student Records](#)[Student Records](#)[Tobacco](#)[Tobacco](#)[Health Care And Emergencies](#)[Health Care And Emergencies](#)[Infectious Diseases](#)[Infectious Diseases](#)[Asthma Management](#)[Asthma Management](#)[Specialized Health Care Services](#)[Food Allergies/Special Dietary Needs](#)[Food Allergies/Special Dietary Needs](#)[School Health Services](#)[School Health Services](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Before/After School Programs](#)[Before/After School Programs](#)[Comprehensive Health Education](#)[Comprehensive Health Education](#)[Athletic Competition](#)[Athletic Competition](#)[Animals At School](#)[Animals At School](#)[Identification And Education Under Section 504](#)[Identification And Education Under Section 504](#)

Policy 5148.3: Preschool/Early Childhood Education

Status: DRAFT

Original Adopted Date: 12/06/2018 | **Last Revised Date:** 11/09/2023 | **Last Reviewed Date:** 09/17/2024

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development and acquisition of instructional knowledge, skills, and abilities. The Board desires to provide a supervised and cognitively rich learning environment designed to facilitate the transition to kindergarten for three- and four-year-old children.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

To receive preschool services, a child and the child's parent(s)/guardian(s) shall be required to provide evidence of residency in California. However, any person identified as experiencing homelessness shall only be required to submit a declaration that the person resides in California. (5 CCR 17745)

Preschool eligibility determinations shall be made without regard to a child's immigration status or that of the child's parent(s)/guardian(s) unless the child or the child's parent(s)/guardian(s) are under a final order of deportation from the U.S. Department of Homeland Security. (5 CCR 17745)

District Preschool Programs

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 17701-17711 and the accompanying administrative regulation. (5 CCR 17701)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing

skills and knowledge. In order to provide families with the option of a full-day, high-quality instructional program, the district may enroll children who are in a TK or kindergarten program in a California State Preschool Program (CSPP) before and/or after the regular school day.

If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP program, subject to available space. (Education Code 48000.15)

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or child care program. (Education Code 8205, 48000)

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The Superintendent or designee shall identify dual language learners in district preschool programs, and shall collect and report related data to CDE as required by Education Code 8241.5. The district's preschool program shall include activities and services that meet the needs of dual language learners for support in the development of their home language and English. (Education Code 8203)

The district's preschool program shall serve children with exceptional needs as required by Education Code 8208. Children with exceptional needs attending any CSPP program shall be educated in the least restrictive environment in accordance with 20 USC 1412.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.

The district shall encourage volunteerism by families participating in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (5 CCR 17743; 22 CCR 101218.1)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8208, 8210, and 8211 and 5 CCR 17746-17748.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child

care needs extend beyond the length of time that the district's preschool program is offered.

The Superintendent or designee shall ensure that the plan to provide access to full-day learning programs the year before kindergarten addresses the needs of preschool children and their families as specified in Board Policy 6170.1 - Transitional Kindergarten. (Education Code 8281.5)

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 17709-17711)

The district's uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the CSPP. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8212; 5 CCR 4610, 4611, 4690-4694, 17781)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General Program Requirements
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 80067	Professional Clear Early Childhood Education Specialist Instruction Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 48000-48003	Kindergartens
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60910	Data for students enrolled in California State Preschool Program
Ed. Code 69617	Golden State Teacher Grant Program
Ed. Code 8200-8340	California State Preschool Program
Ed. Code 8489-8489.1	Expulsion and suspension procedures
H&S Code 120325-120380	Immunization against communicable diseases

State References

H&S Code 1596.70-1596.895

H&S Code 1596.90-1597.21

W&I Code 10207-10215

W&I Code 10207-10492.2

W&I Code 10217-10224.5

W&I Code 10225-10234

W&I Code 10235-10238

W&I Code 10240-10243

W&I Code 10250-10252

W&I Code 10260-10263

W&I Code 10480-10487

Federal References

20 USC 1400-1482

20 USC 6311-6322

20 USC 6391-6399

42 USC 9831-9852c

42 USC 9857-9858r

45 CFR 1301.1-1305.2

Management Resources ReferencesCA Commission on Teacher Credentialing
Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

CSBA Publication

CSBA Publication

U.S. Department of Education Publication

Website

Description[California Child Day Care Act](#)[Day care centers](#)[General provisions](#)[Child Care and Development Services Act](#)[Resource and referral programs](#)[Alternative payment programs](#)[Migrant child care and development programs](#)[General child care and development programs](#)[Family child care home education networks](#)[Child care and development services for children with special needs](#)[Local planning councils](#)**Description**

Individuals with Disabilities Education Act

Title I, relative to preschool

Education of migratory children

Head Start programs

Child Care and Development Block Grant

Head Start

Description[Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023](#)[California State Preschool Program and Children with Disabilities \(Exceptional Needs\), Early Education Division Management Bulletin 23-02, February 2023](#)[Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023](#)[Assessment and Reporting of Family Fees for Fiscal Year \(FY\) 2023-24, Early Education Division Management Bulletin 23-07, September 2023](#)[Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023](#)[Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009](#)[California Preschool Learning Foundations](#)[First Class: A Guide for Early Primary Education, 1999](#)[The Importance of Early Childhood Education Programs, September 2019](#)

The Preschool Landscape in California and Strategies for Expansion, January 2020

[Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016](#)[California Department of Education, Universal PreKindergarten, California's Great Start](#)

Management Resources References

Website	California Office of Administrative Law
Website	California County Superintendents Educational Services Association
Website	CSBA District and County Office of Education Legal Services
Website	California Commission on Teacher Credentialing
Website	National Institute for Early Education Research
Website	California Head Start Association
Website	California Preschool Instructional Network
Website	Child Development Policy Institute
Website	California Association for the Education of Young Children
Website	First 5 California
Website	California Department of Social Services
Website	Cities Counties and Schools Partnership
Website	CSBA
Website	U.S. Department of Education
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Regulation 5148.3: Preschool/Early Childhood Education

Status: DRAFT

Original Adopted Date: 12/06/2018 | **Last Revised Date:** 11/09/2023 | **Last Reviewed Date:** 09/17/2024

Children with exceptional needs means either of the following: (Education Code 8205)

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014. Children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.
2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031. Children with exceptional needs between ages 3 to 21 shall have an active IEP and shall be receiving early intervention services or appropriate special education.

Dual language learner children means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

Early enrollment child means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. (Education Code 8205)

Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

The district's CSPP program shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

The district's preschool program shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

However, a part-day preschool program may also offer TK or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

Staffing

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and Administrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

Family Literacy Services

When any district part-day preschool program receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children

- b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
 4. Staff development for teachers in participating classrooms that includes, but is not limited to:
 - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
 - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
 - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

Eligibility Criteria for Part-Day CSPP Programs

A three- or four-year-old child is eligible for a part-day CSPP program if the child's family is one of the following: (Education Code 8208)

1. A current aid recipient
2. Income eligible
3. Experiencing homelessness
4. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited
5. One who has children with exceptional needs, as defined in Education Code 8205
6. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible three- and four-year-old children have been enrolled as provided above, a part-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP program may provide services to three- and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

A CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price lunch may enroll three- and four-year-old children after all otherwise eligible

children have been enrolled as provided in the paragraphs above. (Education Code 8208, 8217)

The district shall certify eligibility and enroll families into the part-day preschool program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP program for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

Enrollment Priorities for Part-Day CSPP Programs

The district shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.
2. When the number of three- or four-year old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213. Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first.
3. The third priority shall be given to eligible four-year-old children who are not enrolled in a state-funded TK program. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first. If there are no children identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

4. The fourth priority shall be given to eligible three-year-old children. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.
5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside pursuant to Education Code 8208, then to four-year old children before three-year-old children without exceptional needs.
6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:
 - a. A CSPP program site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll

any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

- b. Children enrolling in a CSPP program that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

Eligibility and Enrollment Priorities for Full-Day CSPP Programs

A three- or four-year-old child is eligible for a full-day CSPP program if the family meets both of the following requirements: (Education Code 8208)

1. The child's family is one of the following:
 - a. A current aid recipient, income eligible, or experiencing homelessness
 - b. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited
 - c. One who has children with exceptional needs, as defined in Education Code 8205
 - d. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE
2. The child's family needs the childcare services because of either the following:
 - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as experiencing homelessness
 - b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

After all eligible three- and four-year-old children have been enrolled as provided above, a full-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208)

For full-day CSPP programs, the district shall use the same priority ranking specified in Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" above, and the following: (Education Code 8211)

1. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" have been enrolled, fifth priority shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with an IFSP or IEP, then to four-year old children before three-year-old children without IFSP or IEP.
2. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" and Item #1 above have been enrolled, the district may enroll other children in the following order:
 - a. Three- and four-year old children from families who do not meet at least one of the need requirements in Item #2 above. Within this priority, families shall be enrolled in income ranking order, lowest to highest, and within income ranking order, four-year old children before three-year old children
 - b. When a CSPP program site operates within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, three- or four-year-old children whose families reside within the attendance boundary of the school may be enrolled without establishing eligibility or a need for services. Such children shall, to the extent possible, be enrolled by lowest to highest income ranking order.

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

Waiting List

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

Combined Preschool/Transitional Kindergarten Classroom

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256
4. The classroom shall comply with the adult-child ratio specified in Education Code 8241

5. Contractors of the district shall report the services, revenues, and expenditures for children in the CSPP in accordance with 5 CCR 18068
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom

Fees and Charges

Fees for participation in the district's full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

Family fees accrued but uncollected prior to October 1, 2023, may be forgiven and not collected. (Education Code 8252)

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

Disenrollment Based on Reduced Funding

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP Programs" and "Eligibility and Enrollment Priorities for Full-Day CSPP Programs." (Education Code 8214; 5 CCR 17744)

Expulsion/Unenrollment and Suspension Based on Behavior

Suspension means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

Removing the child from the program means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

Expulsion means the permanent dismissal of a child from a program in response to a child's behavior.

Persistent and serious behaviors means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

1. In writing, inform the parents/guardians of the child's persistent and serious behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program

2. If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If appropriate, consider completing a comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

A child shall not be suspended from a CSPP program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

Notice of Action

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an

increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

Parent Hearing

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements
22 CCR 101237-101239.2	Facilities and equipment
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General Program Requirements
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs

State References

5 CCR 80067
 5 CCR 80105-80125
 Ed. Code 17375
 Ed. Code 44065
 Ed. Code 44256
 Ed. Code 48000-48003
 Ed. Code 48985
 Ed. Code 60910
 Ed. Code 69617
 Ed. Code 8200-8340
 Ed. Code 8489-8489.1
 H&S Code 120325-120380
 H&S Code 1596.70-1596.895
 H&S Code 1596.90-1597.21
 W&I Code 10207-10215
 W&I Code 10207-10492.2
 W&I Code 10217-10224.5
 W&I Code 10225-10234
 W&I Code 10235-10238
 W&I Code 10240-10243
 W&I Code 10250-10252
 W&I Code 10260-10263
 W&I Code 10480-10487

Federal References

20 USC 1400-1482
 20 USC 6311-6322
 20 USC 6391-6399
 42 USC 9831-9852c
 42 USC 9857-9858r
 45 CFR 1301.1-1305.2

Management Resources References

CA Commission on Teacher Credentialing
 Publication
 California Department of Education Publication
 California Department of Education Publication

Description

Professional Clear Early Childhood Education Specialist Instruction
 Credential
 Commission on Teacher Credentialing; child care and development permits
[California Preschool, Transitional Kindergarten, and Full-Day Kindergarten
 Facilities Grant Program](#)
[Issuance of and functions requiring credentials](#)
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[Kindergartens](#)
[Notices to parents in language other than English](#)
[Data for students enrolled in California State Preschool Program](#)
[Golden State Teacher Grant Program](#)
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[Expulsion and suspension procedures](#)
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Description

Individuals with Disabilities Education Act
 Title I, relative to preschool
 Education of migratory children
 Head Start programs
 Child Care and Development Block Grant
 Head Start

Description

[Proposed Amendments to Title 5 of the California Code of Regulations
 Pertaining to the PK-3 Childhood Education Specialist Credential, Coded
 Correspondence 23-02, February 10, 2023](#)
[California State Preschool Program and Children with Disabilities
 \(Exceptional Needs\), Early Education Division Management Bulletin 23-02,
 February 2023](#)
[Part-day California State Preschool Program as an Extended Learning and
 Care Option, Early Education Division Management Bulletin 23-05, April
 2023](#)

Management Resources References**Description**

California Department of Education Publication	Assessment and Reporting of Family Fees for Fiscal Year (FY) 2023–24, Early Education Division Management Bulletin 23-07, September 2023
California Department of Education Publication	Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023
California Department of Education Publication	Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009
California Department of Education Publication	California Preschool Learning Foundations
California Department of Education Publication	First Class: A Guide for Early Primary Education, 1999
CSBA Publication	The Importance of Early Childhood Education Programs, September 2019
CSBA Publication	The Preschool Landscape in California and Strategies for Expansion, January 2020
U.S. Department of Education Publication	Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016
Website	California Department of Education, Universal PreKindergarten, California's Great Start
Website	California Office of Administrative Law
Website	California County Superintendents Educational Services Association
Website	CSBA District and County Office of Education Legal Services
Website	California Commission on Teacher Credentialing
Website	National Institute for Early Education Research
Website	California Head Start Association
Website	California Preschool Instructional Network
Website	Child Development Policy Institute
Website	California Association for the Education of Young Children
Website	First 5 California
Website	California Department of Social Services
Website	Cities Counties and Schools Partnership
Website	CSBA
Website	U.S. Department of Education
Website	California Department of Education

Cross References**Description**

0415	Equity
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[Electronic Signatures](#)
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[Transportation Routes And Services](#)
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[Certification](#)
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[Personnel Files](#)
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[Admission](#)

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Policy 6142.8: Comprehensive Health Education

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 05/20/2021 | **Last Reviewed Date:** 09/17/2024

The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors, and that creating a safe, supportive, inclusive, and nonjudgmental environment is crucial in promoting healthy development for all students. The district's health education program shall be part of a coordinated school health system which recognizes that mental health and social connection are critical to student's overall health, well-being, and academic success, supports the physical, mental, and social well-being of students, reflects the importance of digital and media literacy, and is linked to district and community services and resources.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition promotion and education, physical activity, and other school-based activities that promote student well-being.

Any health education course offered to middle or high school students shall include instruction in mental health that meets the requirements of Education Code 51925-51926, and as specified in Administrative Regulation 6143 - Courses of Study.

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework and integrated with other content areas of the district's curriculum. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards, the state curriculum framework, and effective instructional methodologies.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district's health education program, which may include, but not be limited to, a description of the district's program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, student achievement of district standards for health education, and the manner in which the district's health education program supports the physical, mental, and social well-being of students.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 11800-11801

Ed. Code 35183.5

Ed. Code 49413

Ed. Code 49430-49434

Ed. Code 49490-49494

Description

District health education plan

[Sun protection](#)

[First aid and cardiopulmonary resuscitation training](#)

[Pupil Nutrition, Health, and Achievement Act of 2001](#)

[School breakfast and lunch programs](#)

State References

Ed. Code 49500-49505

Ed. Code 51202

Ed. Code 51203

Ed. Code 51210

Ed. Code 51210.8

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Ed. Code 51225.36

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Ed. Code 51260-51269

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Ed. Code 51880-51881.5

Ed. Code 51890-51891

Ed. Code 51900.6

Ed. Code 51913

Ed. Code 51920

Ed. Code 51925-51929

Ed. Code 51930-51939

Ed. Code 67386

Ed. Code 8850.5

Federal References

42 USC 1751-1769j

42 USC 1758b

42 USC 1771-1793

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California Department of Education Publication

California Department of Education Publication

CSBA Publication

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Description[School meals](#)[Instruction in personal and public health and safety](#)[Instruction on alcohol, narcotics and dangerous drugs](#)[Course of study for grades 1-6](#)[Health education curriculum](#)[Parenting skills; areas of instruction](#)[Instruction in sexual harassment and violence; districts that require health education for graduation](#)[Instruction in cardiopulmonary resuscitation; districts that require health education for graduation](#)[Drug education](#)[Personal beliefs](#)[Health education; legislative findings and intent](#)[Comprehensive health education programs and community participation; definitions](#)[Sexual abuse and sexual assault awareness and prevention instruction](#)[District health education plan](#)[Inservice training; health education](#)[Mandatory mental health education and in-service training](#)[California Healthy Youth Act](#)[Student safety; affirmative consent standard](#)[Family relationships and parenting education](#)**Description**

School Lunch Program

Local wellness policy

Child Nutrition Act

Description[Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve, 2019](#)[Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008](#)[Integrating Oral Health into School Health Programs and Policies, May 2010](#)[Promoting Healthy Relationships for Adolescents: Board Policy Considerations, August 2014](#)[Integrating Physical Activity into the School Day, April 2016](#)[Preventing Catastrophic Health Illness, Governance Brief, July 2018](#)[The Impact of Marijuana Legalization on K-12: The Effect of Marijuana on the Brain, November 2018](#)[Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019](#)[Sun Safety in Schools, Policy Brief, July 2006](#)[Asthma Management in the Schools, Policy Brief, March 2008](#)

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CSBA Publication	Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, April 2006
CSBA Publication	Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
CSBA Publication	Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, November 2008
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
Society of Health & Physical Educators Publication	National Health Education Standards: Achieving Excellence, rev. November 2012
US Department of Health and Human Services	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
US Dept of Health and Human Services Publication	Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023
Website	SHAPE America, Society of Health and Physical Educators
Website	CSBA District and County Office of Education Legal Services
Website	Human Rights Campaign Foundation
Website	U.S. Department of Health and Human Services
Website	American School Health Association
Website	California Association of School Health Educators
Website	California Department of Education, Health Education
Website	National Center for Health Education
Website	National Hearing Conservation Association
Website	California Subject Matter Project, Physical Education-Health Project
Website	Center for Injury Prevention Policy and Practice
Website	Centers for Disease Control and Prevention
Website	CSBA
Website	California Department of Public Health
Website	California Healthy Kids Resource Center

Cross References**Description**

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1240	Volunteer Assistance
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1325	Advertising And Promotion
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools

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[Gifted And Talented Student Program](#)
[Evaluation Of The Instructional Program](#)

Regulation 6142.8: Comprehensive Health Education

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 09/17/2024

Content of Instruction

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

1. Alcohol, tobacco, and other drugs
2. Human growth, development, and sexual health
3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, violence prevention, topics related to bullying and harassment, emergency procedures, and Internet safety, and as required by law.

4. Mental, emotional, and social health

Health education courses offered to middle and/or high school students shall include mental health instruction that meets the requirements of Education Code 51925-51927, as specified in Administrative Regulation 6143 - Courses of Study.

5. Nutrition and physical activity

6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, vision and hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases, and the effect of behavior on the environment, and as required by law.

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services
4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

High School Health Education

Whenever the Board requires a course in health education for graduation from high school, the district's high school health education course(s) shall include instruction in:

1. Sexual harassment and violence, including, but not limited to, the affirmative consent standard as defined in

Education Code 67386. When delivering such instruction, teachers shall consult information related to sexual harassment and violence in the Health Education Framework for California Public Schools. (Education Code 51225.36)

2. Compression-only cardiopulmonary resuscitation (CPR), which is based on national evidence-based emergency cardiovascular care guidelines for the performance of compression-only CPR and includes instruction relative to the psychomotor skills necessary to perform compression-only CPR. (Education Code 51225.6)

Students Excused from Health Instruction

Upon written request from a parent/guardian, a student shall be excused from any part of health instruction that conflicts with the student's religious training and beliefs, including personal moral convictions. (Education Code 51240)

The district shall excuse a student from instruction in comprehensive sexual health education and HIV prevention education if the student's parent/guardian requests in writing that the student be excused. However, pursuant to Education Code 51932, such parental request shall not excuse a student from instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions. (Education Code 51938)

In addition, the district shall excuse a student from instruction in sexual abuse and/or sexual assault awareness and prevention if the student's parent/guardian requests in writing that the student be excused. (Education Code 51900.6)

The district shall not administer any exam, survey, or questionnaire which contains questions about the student's or the student's family's personal beliefs or practices in sex, family life, morality, or religion unless the student's parent/guardian has given written permission. (Education Code 51513)

However, the district may administer anonymous, voluntary, and confidential tests, questionnaires, and surveys containing age-appropriate questions about students' attitudes concerning or practices relating to sex, as long as parents/guardians are notified of the right to request in writing that the student be excused from participation. A student shall be excused from participating in any such research or evaluation tools if the student's parent/guardian requests in writing to excuse the student from participation. (Education Code 51938)

Involvement of Health Professionals

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs if the activities are conducted in compliance with the statutory, regulatory, and programmatic guidelines applicable to those programs

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 11800-11801

Ed. Code 35183.5

Description

District health education plan

[Sun protection](#)

State References

Ed. Code 49413
 Ed. Code 49430-49434
 Ed. Code 49490-49494
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 Ed. Code 51225.6
 Ed. Code 51260-51269
 Ed. Code 51513
 Ed. Code 51880-51881.5
 Ed. Code 51890-51891
 Ed. Code 51900.6
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42 USC 1751-1769j
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Website	Human Rights Campaign Foundation
Website	U.S. Department of Health and Human Services
Website	American School Health Association
Website	California Association of School Health Educators
Website	California Department of Education, Health Education
Website	National Center for Health Education
Website	National Hearing Conservation Association
Website	California Subject Matter Project, Physical Education-Health Project
Website	Center for Injury Prevention Policy and Practice
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Policy 6146.1: High School Graduation Requirements

Status: DRAFT

Original Adopted Date: 02/21/2019 | Last Revised Date: 03/11/2021 | Last Reviewed Date: 09/17/2024

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3. Unless exempted as provided in "Exemptions from District-Adopted Graduation Requirements," district students shall also complete other course requirements adopted by the Board. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

Course Requirements

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)
2. Two courses in mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)
4. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)
5. One course in visual or performing arts, world language, or career technical education (CTE). For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)
7. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

8. _____

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide

alternative means for the completion of prescribed courses in accordance with law.

Exemptions from District-Adopted Graduation Requirements

A foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student who transfers into the district or between district schools any time after completing the second year of high school, or newcomer student who is in the third or fourth year of high school shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the additional requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

The Superintendent or designee shall not require or request the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

If the foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or newcomer student was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

Additionally, a student with disabilities shall be eligible for an exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, if the student's individualized education program (IEP) provides for both of the following requirements: (Education Code 51225.31)

1. That the student is eligible to take the alternate assessment as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

The district's responsibility to provide a free appropriate public education shall not terminate when a student with a disability who is exempted from district- adopted graduation requirements participates in graduation activities unless the IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education Code 51225.31)

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code

48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the U.S. or through online or virtual courses.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school
4. Are former members of the military, a resident of California, and received an honorable discharge, or, are current members of the military, a resident of California, and a resident of California when entering the military

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall evaluate classes completed in any high school, community college, or state college, grant credit toward graduation for military service and training received while in the military, and if satisfied that the person has completed the equivalent of the requirements for graduation from high school, grant the person a diploma of graduation.

5. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

Honorary Diplomas

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 1600-1651

Description

Graduation of students from grade 12 and credit toward graduation

State References

5 CCR 4600-4670

Ed Code 60900.2

Ed. Code 220

Ed. Code 47612

Ed. Code 48200

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[Certification of high school courses as meeting university admission criteria](#)

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Federal References

20 USC 7011
 34 CFR 300.1-300.818

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O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452
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[California Department of Education, High School](#)
[University of California, List of Approved A-G Courses](#)
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Policy 6146.4: Differential Graduation And Competency Standards For Students With Disabilities

Status: DRAFT

Original Adopted Date: 12/13/2023 | **Last Reviewed Date:** 09/17/2024

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Exemption from District-Established Graduation Requirements

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 - High School Graduation Requirements. However, a student with a disability that entered the ninth grade in the 2022-23 school year and later may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following requirements: (Education Code 51225.31).

1. That the student is eligible to take the alternate assessment as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

The district's responsibility to provide FAPE shall not terminate when a student with a disability who is exempted from district-adopted graduation requirements participates in graduation activities unless the student's IEP team, which includes the parent/guardian and student, has determined that the student has completed the high school experience. (Education code 51225.31)

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with a disability may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in the student's IEP
2. Satisfactorily met the student's IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in the student's IEP, and met the objectives of the statement of transition services

A student with a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 3070

Description

Graduation

State References

Ed Code 60900.2
 Ed. Code 51225.31
 Ed. Code 56341
 Ed. Code 56345
 Ed. Code 56390-56392

Federal References

20 USC 1400-1482
 34 CFR 300.1-300.818
 34 CFR 300.320

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Policy 6154: Homework/Makeup Work

Status: DRAFT

Original Adopted Date: 10/20/2016 | Last Reviewed Date: 04/12/2024

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time, provide enrichment, and assist students in developing good study habits. Homework and/or makeup work shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

Students may use technology to assist with homework and/or makeup work in conducting research, correcting grammar and spelling, and learning from educational applications such as tutoring systems and language learning applications, as specified in Board Policy 5131.9 - Academic Honesty and Board Policy 6163.4 - Student Use of Technology.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives and inspire students' interests.

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, learn to work independently, and develop good personal study habits.

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines shall also be included in student and/or parent/guardian handbooks. These communications shall include the manner in which homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. Students may also work with other students and use approved outside resources as directed by the teacher.

To further support students' homework efforts, the Superintendent or designee may establish and maintain electronic forums, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

If a student repeatedly fails to complete homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

Makeup Work

Students who are absent from school shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

The Superintendent or designee shall notify parents/guardians that no student may have a grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

Suspended Students

When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the suspension. (Education Code 48913)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 46120

Description

[Expanded Learning Opportunities Program](#)

Ed. Code 48205

[Absence from school for jury duty or precinct board service](#)

Ed. Code 48913

[Completion of work missed by suspended student](#)

Ed. Code 48913.5

[Suspended students; homework assignments](#)

Ed. Code 48980

[Parent/Guardian notifications](#)

Ed. Code 56341.1

[Assistive technology devices for a student with a disability](#)

Ed. Code 8420-8428

[21st Century High School After School Safety and Enrichment for Teens](#)

Ed. Code 8482-8484.65

[After School Education and Safety Program](#)

Ed. Code 8484.7-8484.9

[21st Century Community Learning Centers](#)

Federal References

20 USC 1401

Description

Assistive technology device; definition

20 USC 7171-7176

21st Century Community Learning Centers

Management Resources References

CSBA Publication

Description

[Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016](#)

USDOE Office of Educational Technology Publication

[Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023](#)

Website

[Metropolitan Educational Research Consortium](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California State Parent Teacher Association](#)

Management Resources References

Website

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[CSBA](#)

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[Student Use Of Technology](#)

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[Student Use Of Technology](#)

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[Student Use Of Technology](#)

Cross References

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Description[Weekend/Saturday Classes](#)[Summer Learning Programs](#)

Policy 6162.5: Student Assessment

Status: DRAFT

Original Adopted Date: 05/17/2018 | **Last Reviewed Date:** 04/12/2024

The Governing Board recognizes that student assessments are an important instructional and accountability tool. To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments.

Any student use of technology to complete assessments shall be as specified in Board Policy 5131.9 - Academic Honesty and Board Policy 6163.4 - Student Use of Technology.

Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, summary data on student assessment results shall be used by the district to identify and review student achievement goals in the district's local control and accountability plan, evaluate district educational programs in order to identify needed improvements, and, as appropriate, evaluate staff performance.

In selecting or developing any district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it aligns with the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and test publisher's directions, and that test administration procedures are fair and equitable for all students.

As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, and/or school site to allow for critical analysis of student needs.

The Superintendent or designee shall provide professional development as needed to assist administrators and teachers in interpreting and using assessment data to improve student performance and the instructional program.

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the community in understanding test results.

Interim and Formative Assessments

State interim and formative assessments may be used in combination with other sources of information to gain timely feedback about student progress in an effort to continually adjust instruction to improve learning, and for communicating with students' parents/guardians and identifying professional development goals. Results from interim and formative assessments shall not be used for any high-stakes purpose, including, but not limited to, teacher or other school staff evaluation, accountability, student grade promotion or retention, graduation, course or class placement, identification for gifted or talented education, reclassification of English learners, or identification as an individual with exceptional needs. (Education Code 60642.6, 60642.7)

The Superintendent or designee shall ensure that teachers who administer interim and formative assessments have access to all functions and information designed for teacher use related to such assessments and student performance on the assessments. (Education Code 60642.6)

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the state achievement tests required and administered as part of the California Assessment of Student Performance and Progress, or any predecessor assessments, pursuant to Education Code 60640-

60649

2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if the student is an adult or emancipated minor. The student or the student's parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. Furthermore, the results of an individual student on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 850-876	California Assessment of Student Performance and Progress
Ed. Code 10600-10610	California Education Information System
Ed. Code 313	Assessment of English language development
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 49558	Free and reduced-price meals; use of individual applications and records
Ed. Code 51041	Evaluation of the educational program
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52059.5-52077	Local control and accountability plan
Ed. Code 56341.1	Assistive technology devices for a student with a disability
Ed. Code 60600-60649	Assessment of academic achievement
Ed. Code 60640-60648.5	California Assessment of Student Performance and Progress
Ed. Code 60800	Physical performance test
Ed. Code 60900-60901	California Longitudinal Pupil Achievement Data System
Ed. Code 60910	California State Preschool Program Longitudinal Pupil Achievement Data System

Federal References

	Description
20 USC 1401	Assistive technology device; definition
20 USC 9622	National Assessment of Educational Progress

Management Resources References

	Description
USDOE Office of Educational Technology Publication	Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations, May 2023
Website	Metropolitan Educational Research Consortium
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Testing and Accountability
Website	Smarter Balanced Assessment Consortium
Website	U.S. Department of Education
Website	CSBA

Cross References**Description**

0410	Nondiscrimination In District Programs And Activities
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5121	Grades/Evaluation Of Student Achievement
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5123	Promotion/Acceleration/Retention
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6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
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6146.1	High School Graduation Requirements
6146.5	Elementary/Middle School Graduation Requirements

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6162.54	Test Integrity/Test Preparation
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6178	Career Technical Education
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6184	Continuation Education
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Policy 6170.1: Transitional Kindergarten

Status: DRAFT

Original Adopted Date: 12/06/2018 | **Last Revised Date:** 03/10/2022 | **Last Reviewed Date:** 09/17/2024

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

Eligibility

The district's TK program shall admit children as follows: (Education Code 48000):

1. For the 2023-24 school year, children whose fifth birthday is between September 2 and April 2
2. For the 2024-25 school year, children whose fifth birthday is between September 2 and June 2
3. For the 2025-26 school year, and in each school year thereafter, children who turn four by September 1

A child's eligibility for TK enrollment shall not impact family eligibility for a preschool or childcare program, including, but not limited to, a Head Start program, a childcare center serving children through an alternative payment program, a general childcare and development program, a California State Preschool Program (CSPP), a migrant childcare and development program, childcare and development services for children with special needs, or a program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee, determines that it is in the child's best interest.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after the date specified for admittance for the applicable year as described above, provided that upon the recommendation of the Superintendent or designee, the Board determines that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

Additionally, the district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. The Superintendent or designee shall maintain any classroom that includes an early enrollment child with a classroom enrollment that does not exceed 20 students and an adult-to-student ratio of at least one adult to every 10 students. Additionally, if an early enrollment child is enrolled in TK, the district shall concurrently offer enrollment to the child in the district's CSPP, subject to available space. (Education Code 48000.15)

Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The Board shall establish the length of the school day in the district's TK program, which shall be at least three hours but no more than four hours long, including recess but excluding noon intermission, except for TK students enrolled in expanded learning opportunity programs provided by the district pursuant to Education Code 46120. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to CDE as to whether the district's TK programs are offered full day, part day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

The Superintendent or designee shall collaborate with parents/guardians and relevant community groups, in accordance with the plan developed for how all children in the attendance area of the district will have access to full-day learning programs the year before kindergarten that meet the needs of parents/guardians, including through partnerships with the district's expanded learning offerings, the After School Education and Safety Program, CSPP, Head Start programs, and other community-based early learning and care programs.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be commingled in the same classroom with four-year-old students from a CSPP program as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000):

1. The classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten
2. An early childhood environment rating scale, as specified in 5 CCR 18281, is completed for the classroom
3. All children enrolled for 10 or more hours per week are evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272
4. The classroom is taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing (CTC) in accordance with Education Code 44065 and 44256
5. The classroom is in compliance with the adult-child ratio specified in Education Code 8241
6. Contractors of the district report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068 except for contractors of the TK program

The district shall maintain an average TK class enrollment of not more than 24 students for each school site, not including students who are continuously enrolled in and meet the minimum day requirement for independent study for more than 14 school days in a school year. (Education Code 48000)

Staffing

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from CTC that authorizes such instruction.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2025, have at least 24 units in early childhood education and/or child development, comparable professional experience in a preschool setting, and/or a child development teacher permit or an early childhood specialist credential issued by CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children, including, but not limited to, developing competencies in serving inclusive classrooms and dual language learners.

The district shall maintain an average of at least one adult for every 12 students for TK classrooms and, contingent upon an appropriation of funding, maintain an average of at least one adult for every 10 students commencing with the 2025-26 school year. (Education Code 48000)

Continuation to Kindergarten

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

A student shall not attend more than two years in kindergarten or a combination of TK and kindergarten. (Education Code 46300)

Assessment

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, the progress of students in meeting related academic standards, and student preparedness for future education.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 18000-18308	Early Learning and Care Programs
5 CCR 80067	Professional Clear Early Childhood Education Specialist Instruction Credential
Ed. Code 17375	California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program
Ed. Code 33050	Waiver authority and exceptions
Ed. Code 37202	Equal time in all schools
Ed. Code 44065	Issuance of and functions requiring credentials
Ed. Code 44256	Authorization for teaching credentials
Ed. Code 44258.9	County superintendent review of teacher assignment
Ed. Code 44300	Emergency permits
Ed. Code 46111	Kindergarten; hours of attendance
Ed. Code 46114-46119	Minimum school day; kindergarten
Ed. Code 46120	Expanded learning opportunities
Ed. Code 46300	Method of computing average daily attendance

State References

Ed. Code 48000
 Ed. Code 48000.15
 Ed. Code 48002
 Ed. Code 48003
 Ed. Code 48010
 Ed. Code 48011
 Ed. Code 48200
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 Development of pre-kindergarten learning development guidelines
[California State Preschool Program administration](#)
[Staffing ratios for center-based program](#)
 California Prekindergarten Planning and Implementation Grant Program
[Early primary program, including extended-day kindergarten](#)

Management Resources References

CA Commission on Teacher Credentialing Publication
 California Department of Education Publication
 California Department of Education Publication
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[Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023](#)
[Universal Prekindergarten FAQs](#)
[Transitional Kindergarten FAQs](#)
[Desired Results Developmental Profile: A Developmental Continuum from Early Infancy up to Kindergarten Entry, 2015](#)
[California Preschool Curriculum Framework, Vol. 1, 2010](#)
[California Preschool Curriculum Framework, Vol. 2, 2011](#)
[California Preschool Curriculum Framework, Vol. 3, 2013](#)
[California Preschool Learning Foundations, Vol. 1, 2008](#)
[California Preschool Learning Foundations, Vol. 2, 2010](#)
[California Preschool Learning Foundations, Vol. 3, 2012](#)
[Advancing Universal Transitional Kindergarten, April 2022](#)
[The Importance of Early Childhood Education Programs, September 2019](#)
[California Department of Education, Universal PreKindergarten, California's Great Start](#)
[California Office of Administrative Law](#)
[CSBA District and County Office of Education Legal Services](#)
[Transitional Kindergarten California](#)
[California Kindergarten Association](#)
[Commission on Teacher Credentialing](#)
[CSBA](#)
[California Department of Education](#)

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Regulation 6173.3: Education For Juvenile Court School Students

Status: DRAFT

Original Adopted Date: Pending | **Last Reviewed Date:** 09/17/2024

The Superintendent or designee shall collaborate with the County Superintendent of Schools and the county probation department to facilitate the transition of students from a juvenile court school into the regular schools of the district. Such collaboration may include, but not be limited to, the development of data-sharing systems, communication strategies, and other structures that aid in the enrollment, placement, and continuous educational progress of such students.

Enrollment

A former juvenile court school student transferring into a regular district school shall be immediately enrolled in the school. The Superintendent or designee shall not deny enrollment to a student solely on the basis of an arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

Transfer of Coursework and Credits

When a student enrolled in a juvenile court school transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the student and includes: (Education Code 51225.2)

1. A determination of the days of enrollment and/or seat time, if applicable, for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. (Education Code 51225.2)

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (Education Code 51225.2)

The district shall accept and issue full credit for any coursework that the former juvenile court school student has satisfactorily completed while attending another public school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. (Education Code 51225.2)

If the entire course was completed, the district shall not require the student to retake the course. (Education Code 51225.2)

If the entire course was not completed at the previous school, the student shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, a student may be required to retake the portion of the course completed if the Superintendent or designee, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a former juvenile court school student in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

In no event shall the district prevent a former juvenile court school student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

Applicability of Graduation Requirements

If a student completes district graduation requirements while being detained in a juvenile facility, the district shall issue the student a diploma from the school the student last attended, unless the County Superintendent issues the diploma. (Education Code 48645.5)

A student who transfers to a district school from a juvenile court school shall generally be expected to complete all courses required by Education Code 51225.3 and to fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a student who has completed the second year of high school transfers from a juvenile court school into a district school, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the student's fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student, the student's educational rights holder, and the student's social worker or probation officer of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the termination of the court's jurisdiction over the student. (Education Code 51225.1)

To determine whether a student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or, for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (Education Code 51225.1)

If a former juvenile court school student was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the student's educational rights holder may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. A student may request the exemption even if the student is no longer a juvenile court student. (Education Code 51225.1)

When the Superintendent or designee determines that a student who transferred into a district school is reasonably able to complete district-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements. Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the district-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for the exemption shall be provided to the student, the student's educational rights holder, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the former juvenile court student is not reasonably able to complete the district-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the Superintendent or designee shall provide the student with the option to receive an exemption from district-established graduation requirements or stay in school for a fifth year to complete the district-established graduation requirements upon agreement with the student, or if under 18 years of age, the student's educational rights holder, and shall provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a former juvenile court student is exempted from district-established graduation requirements, the

Superintendent or designee shall consult with the student and the student's educational rights holder about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

The district shall not require or request a former juvenile court student to transfer schools in order to qualify for an exemption and shall not grant any request made by a former juvenile court student, the student's educational rights holder, or the district liaison on behalf of the student, for a transfer solely to qualify for an exemption. (Education Code 51225.1)

The Superintendent or designee shall not require a former juvenile court student who is eligible for an exemption from district-established graduation requirements and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a former juvenile court student is exempted from district-established graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while still enrolled in the school or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

The Superintendent or designee shall not require or request that a former juvenile court student who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

Upon making a finding that a former juvenile court student is reasonably able to complete district-established graduation requirements within the fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Consult with the student and, if under 18 years of age, the student's educational rights holder, of the option to remain in school for a fifth year to complete the district-established graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the student's educational rights holder if under 18 years of age, permit the student to stay in school for a fifth year to complete the district-established graduation requirements

When a juvenile court student who has completed the second year of high school transfers into the district or between high schools within the district, and the Superintendent or designee determines that the student is not reasonably able to complete the district-established graduation requirements within the student's fifth year of high school but is reasonably able to complete the statewide coursework requirements within the fifth year of high school, the student shall be exempted from all district-established graduation requirements and be provided with the option to remain in school for a fifth year to complete the statewide requirements. In such situations, the Superintendent or designee shall consult with the student and the student's educational rights holder, regarding the following: (Education Code 51225.1)

1. The student's option to remain in school for a fifth year to complete statewide coursework requirements
2. The effect of waiving the district-established requirements and remaining in school for a fifth year on the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education
3. Other options available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements

Notification and Complaints

Information regarding the educational rights of former juvenile court school students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of former juvenile court school students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670
 Ed. Code 48645-48650
 Ed. Code 48853.5
 Ed. Code 51225.1
 Ed. Code 51225.2
 Ed. Code 51225.3
 W&I Code 602
 W&I Code 880-893

Description

Uniform complaint procedures
 Juvenile court schools
[Immediate enrollment](#)
[Exemption from district graduation requirements](#)
[Course credits](#)
[High school graduation requirements](#)
[Minors violating law; ward of court](#)
[Wards and dependent children; juvenile homes, ranches and camps](#)

Management Resources References

California Child Welfare Council Publication
 Website
 Website
 Website
 Website
 Youth Law Center Publication

Description

[Partial Credit Model Policy and Practice Recommendations, September 2013](#)
[CSBA District and County Office of Education Legal Services](#)
[California Child Welfare Council](#)
[California Department of Education, Juvenile Court Schools](#)
[CSBA](#)
[Youth Law Center](#)
 Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools, 2016

Cross References

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[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)

Cross References

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Description[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Admission](#)[Admission](#)[District Residency](#)[District Residency](#)[Student Records](#)[Student Records](#)[Withholding Grades, Diploma Or Transcripts](#)[Dress And Grooming](#)[Dress And Grooming](#)[Tuberculosis Testing](#)[Tuberculosis Testing](#)[Immunizations](#)[Immunizations](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Parent/Guardian Notifications](#)[Courses Of Study](#)[Courses Of Study](#)[High School Graduation Requirements](#)

Regulation 7140: Architectural And Engineering Services

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Revised Date:** 12/05/2019 | **Last Reviewed Date:** 04/12/2024

Contractors for any private architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

The selection process may also include: (Government Code 4527)

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project
2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services
3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect or structural engineer shall become the property of the district for the purpose of repair, maintenance, renovation, modernization, or other purposes, but only as they relate to the project for which the architect or structural engineer was retained. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

A design-build contract may be awarded to a single entity for both design and construction of any school facility if the contract is in excess of \$1,000,000, or an alternative design-build contract may be awarded if the contract is in excess of \$5,000,000, as specified in Administrative Regulation 3311.3 - Design-Build Contracts. (Education Code 17250.20, 17250.62)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the

policy.

State References

24 CCR 101
5 CCR 14001
5 CCR 14030-14036
Bus. Code 5500-5502
Bus. Code 5550-5558
Bus. Code 6700-6706.3
Bus. Code 6750-6767
CA Constitution Article 22
Ed. Code 17070.10-17079.30
Ed. Code 17250.10-17250.55
Ed. Code 17250.60-17250.69
Ed. Code 17251-17256
Ed. Code 17260-17268
Ed. Code 17280-17317
Ed. Code 17371
Gov. Code 14837
Gov. Code 4525-4529.5
Gov. Code 87100
Pub. Cont. Code 20110-20118.44

Description

California Building Standards Code
Minimum standards for school facilities
Standards, planning, and approval of school facilities
[Architecture](#)
[Architects; licensure](#)
[Professional Engineers Act](#)
[Engineers; licensure](#)
[Architectural and engineering services](#)
[Leroy F. Greene School Facilities Act](#)
[Design-build contracts](#)
[Alternative design-build contracts](#)
[CDE powers concerning buildings and building sites](#)
[Plans and specifications for school facilities](#)
[Building approvals](#)
[Limitation on liability of governing board](#)
[Definition of small business](#)
[Contracts with private architects, engineering, land surveying, and construction project management firms](#)
[Public officials; financial interest](#)
[School district contracts](#)

Management Resources References

California Department of Education Publication
California Department of Education Publication
Office of Public School Construction Publication
Website
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Website

Description

[Plan Submission Requirements for Modernization Projects, Form SFPD 4.08](#)
[Plan Submission Requirements for New Construction, Form SFPD 4.07](#)
[School Facility Program Handbook, January 2019](#)
[CSBA District and County Office of Education Legal Services](#)
[Department of General Services, Division of the State Architect](#)
[American Institute of Architects California Council](#)
[Department of General Services, Office of Public School Construction](#)
[California Department of Education, School Facilities](#)

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[Volunteer Assistance](#)
[Bids](#)
[Bids](#)
[Design-Build Contracts](#)
[Contracts](#)
[Criminal Background Checks For Contractors](#)
[Concepts And Roles](#)

Cross References

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Description[Facilities Master Plan](#)[Site Selection And Development](#)[Site Selection And Development](#)[Conflict Of Interest](#)[Conflict Of Interest](#)

Bylaw 9124: Attorney

Status: DRAFT

Original Adopted Date: 10/20/2016 | **Last Reviewed Date:** 04/12/2024

The Governing Board recognizes the complex legal environment in which districts operate, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services.

In order to meet the district's legal needs, the Board may appoint legal counsel and fix and order paid legal counsel's compensation as an employee or as an independent contractor. (Education Code 35041.5)

The Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in private practice, and other public or private legal services entities. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate.

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Retaining Legal Counsel

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

The district may, but is not required to, initiate a Request for Proposals to advertise and solicit proposals for legal services. In evaluating the prospective attorney(s), firm(s), and/or entity(ies), the Board and Superintendent may consider the attorney's, firm's, and/or entity's background, experience, and relevant legal reputation; experience advising and representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

The Board and Superintendent shall periodically evaluate the performance of the firm(s) and/or attorney(s); the efficiency and adequacy of advice; the results obtained for the district; the reasonableness of fees; and the responsiveness to and interactions with the Board, administration, and community.

The Board may use such evaluation(s) to determine whether to renew any current agreement(s) for legal services.

The Board may also contract for specialized legal services, as appropriate, when a majority of the Board determines that the unique demands of a particular issue or emergency situation require such representation.

Contacting Legal Counsel

The Board president, or Superintendent or designee, may, at their discretion, confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Board president, or Superintendent or designee, may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by the Superintendent, the Board president, or a majority of the Board.

^^

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35041
 Ed. Code 35041.5
 Ed. Code 35161
 Ed. Code 35200-35214
 Ed. Code 35204
 Ed. Code 35205
 Gov. Code 26520
 Gov. Code 26529
 Gov. Code 53060
 Gov. Code 814-895.8
 Gov. Code 995-996.6

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[Legal counsel](#)
[Board delegation of any powers or duties](#)
[Liabilities](#)
[Contract with attorney in private practice](#)
[Contract for legal services](#)
[Legal services to school districts](#)
[District Attorney](#)
[Special services and advice](#)
[Liability of public entities and public employees](#)
[Defense of public employees](#)

Management Resources References

CSBA Publication
 State Bar of California Publication
 Website
 Website
 Website
 Website

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The Brown Act: School Boards and Open Meeting Laws, rev. 2023
 California Rules of Professional Conduct
[CSBA District and County Office of Education Legal Services](#)
[State Bar of California](#)
[California Council of School Attorneys](#)
[CSBA](#)

Cross References

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[Contracts](#)
[Management Of District Assets/Accounts](#)
[Management Of District Assets/Accounts](#)
[Contracts](#)
[Role Of The Board](#)
[Limits Of Board Member Authority](#)

Cross References

9260

9321

Description[Legal Protection](#)[Closed Session](#)

Bylaw 9321: Closed Session

Status: DRAFT

Original Adopted Date: 09/12/2019 | **Last Reviewed Date:** 09/17/2024

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting as required by law and provided in the accompanying Exhibit (1). (Education Code 35145, Government Code 54954.2, 54954.5, 54957)

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session as specified in this bylaw. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. In the closed session, the Board may consider only those items covered in its statement. (Government Code 54957, 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any actions taken in the closed session, the votes or abstentions thereon, and other disclosures as specified in this bylaw. Such reports may be made in writing or orally at the location announced in the agenda for the closed session as required by law and provided in the accompanying Exhibit (2). (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document, such as a contract or settlement agreement, that becomes public upon such approval or adoption, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary changes to the document are completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information or the information has been publicly reported by the District. (Government Code 54963)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

Personnel Matters: Appointment, Employment, Performance Evaluation, or Discipline/Dismissal/Release

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, dismissal, or change in employment status of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957, 54957.1)

Personnel Matters: Specific Complaints or Charges

The Board may hold a closed session to hear complaints or charges brought against an employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the Superintendent or designee shall ensure that the employee receives written notice of the right to have the complaints or charges heard in open session. This notice

shall be delivered personally or by mail at least 24 hours before the time of the closed session. (Government Code 54957)

Personnel Matters: Application for Early Withdraw of Funds in Deferred Compensation Plan

The Board may hold a closed session to discuss an employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Negotiations/Collective Bargaining

The Board may meet in closed session to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. A closed session regarding salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Pursuant to Government Code 54957.1, approval in closed session of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. However, the Board may, at its sole discretion, vote on such an agreement in open session. (Government Code 54957.1)

Pursuant to Government Code 3549.1, the Board may, without following the requirements of the Brown Act, meet in closed session exclusively for the purpose of discussing its position regarding any matter within the scope of representation or for the purpose of instructing its designated representatives. The Board shall not discuss any other item at any such closed session. (Government Code 3549.1)

Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information such as grades or discipline information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. At least 72 hours prior to the start of the meeting of which the closed session is a part, the Superintendent or designee, on behalf of the Board, shall, in writing, by registered or certified mail or by personal service, notify the student and the student's parent/guardian of the intent of the Board to hear the item in closed session. If a written request for open session is received from the student or the student's parents/guardians within 48 hours of receiving the notice, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any other student shall remain in closed session. (Education Code 35146, 48912, 49070)

If the Board conducts an expulsion hearing pursuant to Board Policy 5144.1 - Suspension and Expulsion/Due Process, the Board shall do so in closed session unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board shall meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

In order to protect student privacy rights provided in 20 USC 1232g or other applicable laws, the identity of a student shall not be listed in the agenda and, unless the item is heard in open session, shall not be included in any report after closed session. Additionally, a student matter shall be listed in the open session portion of the agenda with the same description and numbering system as it was on the closed session portion of the agenda.

Security Matters

The Board may meet in closed session with the Governor, Attorney General, District Attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Board Bylaw 9320 - Meetings and Notices and Board Bylaw/Exhibit (1) 9323.2 - Actions By The Board.

The Board may also meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. (Education Code 32281)

Real Property Negotiations

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Anticipated Litigation/Initiation of Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding anticipated litigation or whether to initiate litigation when discussion of either matter in open session would prejudice the district's position with respect to such litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered to be "anticipated" when, in the Board's opinion based on the advice of its legal counsel regarding the existing facts and circumstances, there is a significant exposure to litigation against the district or against a district officer or employee based on prior or prospective activities or alleged activities during and potentially during the course and scope of that office or employment. (Government Code 54956.9)

Existing facts and circumstances are limited to the following: (Government Code 54956.9)

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiff(s)
2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiff(s)
3. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff
4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board
5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting

Each agenda item related to anticipated litigation shall only contain one such matter. For an anticipated litigation item that is anticipated based on Items #2, #3, or #5 above, the agenda item shall also include the facts or circumstances that might result in litigation, the claim or written threat of litigation, or the record of the threat. However, the agenda item shall not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on the alleged victim's behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed. (Government Code 54956.9)

Existing Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding existing litigation when discussion of the matter in open session would prejudice the district's position with respect to such litigation. Litigation is considered to be "existing" when the district has been named a party to the litigation or a district officer or employee has been named a party to the litigation based on prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which involves whether an activity is outside the course and scope of the office or employment. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Tort, Public, or Workers' Compensation Liability

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Joint Powers Agency Issues

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information that has direct financial or liability implications for the district and that was obtained in a closed session of a JPA of which the district is a member. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office and before the report has been made public, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report shall be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35145

Description

[Public meetings](#)

Ed. Code 35146

[Closed sessions regarding suspensions](#)

Ed. Code 44929.21

[Notice of reelection decision; districts with 250 ADA or more](#)

Ed. Code 48912

[Governing board suspension](#)

Ed. Code 48918

[Rules governing expulsion procedures](#)

Ed. Code 49070

[Challenging student records](#)

Ed. Code 60617

[Meetings of governing board](#)

Gov. Code 3540-3549.3

[Educational Employment Relations Act](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Attorney General Opinion

Description

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

59 Ops.Cal.Atty.Gen. 532 (1976)

Attorney General Opinion

78 Ops.Cal.Atty.Gen. 218 (1995)

Attorney General Opinion

86 Ops.Cal.Atty.Gen. 210 (2003)

Attorney General Opinion

94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Publication

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)

Court Decision

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Court Decision

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Court Decision

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Court Decision

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860

Court Decision

Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363

Court Decision

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41

Court Decision

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

CSBA Publication

The Brown Act: School Boards and Open Meeting Laws, rev. 2023

League of California Cities Publication

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[League of California Cities](#)

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[California Attorney General's Office](#)

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[CSBA](#)

Cross References

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Exhibit 9321-E(1): Closed Session

Status: DRAFT

Original Adopted Date: Pending | Last Reviewed Date: 09/17/2024

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT
Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYMENT
Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code 54957

Title: _____
(Specify title of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code 54957
(Due to employee privacy rights, no additional information may be provided.)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE
Government Code 54957
(Due to employee privacy rights, no additional information may be provided.)

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN
Government Code 54957.10
(No additional information may be provided.)

Negotiations/Collective Bargaining

CONFERENCE WITH LABOR NEGOTIATORS
Government Code 54957.6

District-Designated Representatives: _____
(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee Organization: _____
(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented Employee(s): _____
(Specify position of unrepresented employee(s) who are the subject of the negotiations.)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

Tracking/Identification Number: [REDACTED]
(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

STUDENT EXPULSION
Education Code 48912

Tracking/Identification Number: [REDACTED]
(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

STUDENT GRADE CHANGE APPEAL
Education Code 49070

Tracking/Identification Number: [REDACTED]
(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

CONFIDENTIAL STUDENT MATTER

Action Under Consideration: [REDACTED]
(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

Tracking/Identification Number: [REDACTED]
(Due to student privacy rights, no additional information may be provided. The district may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES
Government Code 54957

Consultation With: [REDACTED]
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN
Education Code 32281

Consultation With: [REDACTED]
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Government Code 54956.8

Property: [REDACTED]
(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District Negotiator: [REDACTED]
(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Party With Whom District Is Negotiating: [REDACTED]
(Specify name of party, not agent.)

Under Negotiation: [REDACTED]
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Anticipated Litigation/Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3)

(If applicable) Existing Facts And Circumstances:
[REDACTED]

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Initiation of litigation pursuant to Government Code 54956.9(d)(4)

(If applicable) Existing Facts And Circumstances:
[REDACTED]

Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code 54956.9(d)(1)

Name Of Case: [REDACTED]
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS
Government Code 54956.95

Name Of Claimant(s): [REDACTED]
(Specify name, except when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name Of Agency Against Which Claim Is Made: [REDACTED]

Joint Powers Authority Issues

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT
Government Code 54956.96

Name Of JPA: [REDACTED]

Discussion Will Concern: [REDACTED]
(Specify closed session description used by the JPA.)

Name Of District Representative On JPA board: [REDACTED]

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Government Code 54956.75
(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

Education Code 60617

(Reference resolution in which board agreed to accept the terms or conditions established by rules and regulations of the State Board of Education.)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35145

Description

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[Governing board suspension](#)

Ed. Code 48918

[Rules governing expulsion procedures](#)

Ed. Code 49070

[Challenging student records](#)

Ed. Code 60617

[Meetings of governing board](#)

Gov. Code 3540-3549.3

[Educational Employment Relations Act](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Attorney General Opinion

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

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Attorney General Opinion

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Attorney General Opinion

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94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Publication

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)

Court Decision

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Court Decision

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Court Decision

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Court Decision

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860

Court Decision

Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363

Court Decision

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41

Court Decision

San Diego Union v. City Council (1983) 146 Cal.App.3d 947

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League of California Cities Publication

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

Management Resources References

Website

Description[CSBA District and County Office of Education Legal Services](#)

Website

[League of California Cities](#)

Website

[California Attorney General's Office](#)

Website

[CSBA](#)**Cross References****Description**

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[Comprehensive Safety Plan](#)

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Exhibit 9321-E(2): Closed Session

Status: DRAFT

Original Adopted Date: Pending | Last Reviewed Date: 09/17/2024

REPORTS OF CLOSED SESSION ACTIONS

Following a closed session during any Governing Board meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Title: _____
(Specify position to be filled)

Appointment Made: (Yes; otherwise no action taken)

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Recused: _____
(Enter names of Board members)

PUBLIC EMPLOYMENT

Title: _____
(Specify position to be filled)

Decision to Employ: (Yes; otherwise no action taken)

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Recused: _____
(Enter names of Board members)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: _____
(Specify title of employee being evaluated)

(If applicable) Board evaluated an employee in the above listed position.

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Title: _____
(Specify position affected)

(If applicable) Decision to Dismiss/Release: (Yes; otherwise no action taken)

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Recused: _____

(Enter names of Board members)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

(If applicable) Board heard/discussed a specific complaint or charge against an employee.

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

(If applicable) Board received/discussed an employee's application for early withdrawal of funds in deferred compensation plan.

Negotiations/Collective Bargaining

(If applicable) Agreement Reached With: _____
(Specify Employee Organization)

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

STUDENT EXPULSION

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter and will vote in open session as indicated in the agenda.

STUDENT GRADE CHANGE APPEAL

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter.

CONFIDENTIAL STUDENT MATTER

Action Under Consideration: _____

Tracking/Identification Number: _____

(If applicable) Board heard/discussed this matter.

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

(If applicable) Board consulted with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

(If applicable) Board approved a Tactical Response Plan.

Ayes: [redacted]
Nays: [redacted]
Abstentions: [redacted]
Absent: [redacted]
Recused: [redacted]
(Enter names of Board members)

Real Property Negotiations

(If applicable) Board approved an agreement concluding real estate negotiations and the agreement is final.

Substance Of Agreement: [redacted]
Ayes: [redacted]
Nays: [redacted]
Abstentions: [redacted]
Absent: [redacted]
Recused: [redacted]
(Enter names of Board members)

Anticipated Litigation/Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(If applicable) Board has given approval to legal counsel to defend the district against anticipated litigation.

Ayes: [redacted]
Nays: [redacted]
Abstentions: [redacted]
Absent: [redacted]
Recused: [redacted]
(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): [redacted]
Substance Of Agreement: [redacted]
Ayes: [redacted]
Nays: [redacted]
Abstentions: [redacted]
Absent: [redacted]
Recused: [redacted]
(Enter names of Board members)

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

(If applicable) Board has given approval to legal counsel to initiate litigation.

Ayes: [redacted]
Nays: [redacted]
Abstentions: [redacted]
Absent: [redacted]

Recused: _____
(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this matter and the agreement is final.

Adverse Party(s): _____

Substance Of Agreement: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(If applicable) Board has given approval to legal counsel to defend the district, seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in this litigation.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

or

(If applicable) Board approved an agreement concluding this litigation and the agreement is final.

Substance Of Agreement: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS

(If applicable) Board approved disposing of this claim and that disposition is final.

Substance Of Claim, Including Amount Of Payment To Claimant: _____

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Recused: _____

(Enter names of Board members)

Joint Powers Agency Issues

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

(If applicable) Board heard/discussed this matter.

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(If applicable) Board heard/discussed this matter.

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

(If applicable) Board reviewed the assessment in compliance with the applicable board resolution.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35145

Description

[Public meetings](#)

Ed. Code 35146

[Closed sessions regarding suspensions](#)

Ed. Code 44929.21

[Notice of reelection decision; districts with 250 ADA or more](#)

Ed. Code 48912

[Governing board suspension](#)

Ed. Code 48918

[Rules governing expulsion procedures](#)

Ed. Code 49070

[Challenging student records](#)

Ed. Code 60617

[Meetings of governing board](#)

Gov. Code 3540-3549.3

[Educational Employment Relations Act](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Attorney General Opinion

98 Ops.Cal.Atty.Gen. 41 (2015)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 110 (2006)

Attorney General Opinion

59 Ops.Cal.Atty.Gen. 532 (1976)

Attorney General Opinion

78 Ops.Cal.Atty.Gen. 218 (1995)

Attorney General Opinion

86 Ops.Cal.Atty.Gen. 210 (2003)

Attorney General Opinion

94 Ops.Cal.Atty.Gen. 82 (2011)

Attorney General Publication

[The Brown Act: Open Meetings for Legislative Bodies, rev. 2003](#)

Court Decision

Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Court Decision

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Court Decision

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication
League of California Cities Publication
Website
Website
Website
Website

Description

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860
Roberts v. City of Palmdale (1993) 5 Cal.App. 4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41
San Diego Union v. City Council (1983) 146 Cal.App.3d 947
The Brown Act: School Boards and Open Meeting Laws, rev. 2023
Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010
[CSBA District and County Office of Education Legal Services](#)
[League of California Cities](#)
[California Attorney General's Office](#)
[CSBA](#)

Cross References

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1312.1
1312.1
1312.3
1312.3
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1312.3-E PDF(2)
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[Comprehensive Safety Plan](#)
[Political Processes](#)
[Citizen Advisory Committees](#)
[Citizen Advisory Committees](#)
[Complaints Concerning District Employees](#)
[Complaints Concerning District Employees](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Access To District Records](#)
[Access To District Records](#)
[Superintendent Recruitment And Selection](#)
[Superintendent's Contract](#)
[Evaluation Of The Superintendent](#)
[Evaluation Of The Superintendent](#)
[Sale Or Lease Of District-Owned Real Property](#)
[Sale Or Lease Of District-Owned Real Property](#)
[Claims And Actions Against The District](#)
[Claims And Actions Against The District](#)
[Claims And Actions Against The District](#)
[Campus Security](#)
[Campus Security](#)
[Emergencies And Disaster Preparedness Plan](#)
[Emergencies And Disaster Preparedness Plan](#)
[Risk Management/Insurance](#)

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10. C. Consideration of Resolution

Quick Summary / Abstract

Item originally presented at the September meeting but did not include the resolution.

Recommendation

This item was previously approved by the board.



10. D. Consideration of HUSD Sunshine Openers


Quick Summary / Abstract

Sunshine openers for contract negotiations with HUTA.

Recommendation

That the board approve the HUSD Sunshine Openers for HUTA contract negotiations

Supporting Documents

 Sunshine Openers 2024-2025 2024-11-14



November 14, 2024

Harmony Union Teachers Association

Re: 2024-2025 Annual Reopeners

Pursuant to Article 8, Section 3547 of the Education Employment Relations Act (EERA), Harmony Union School District (HUSD) wishes to commence negotiations in the following interest areas:

Article X Leaves

HUSD has an interest in leaves related to professional development days

Sincerely,

A handwritten signature in black ink that reads "Matthew Morgan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew Morgan
Superintendent-Principal
Harmony Union School District



10. E. Consideration of Sunshine Openers from Harmony Union Teachers Association

Quick Summary / Abstract

Sunshine openers from Harmony Union Teachers Association for contract negotiations.

Recommendation

That the board approve the Sunshine openers from Harmony Union Teachers Association for contract negotiations.

Supporting Documents



HUTA sunshine letter 2024-2025

Date: October 31, 2024

To: Governing Board, Harmony Union School District

From: Harmony Union Teachers Association

Re: Initiating Negotiations to Reopen Articles of the Contract between HUTA and HUSD

Pursuant to Article 8, Section 3547 of the Education Employment Relations Act (EERA), please consider this to be a formal opening of negotiations between HUTA and the District. HUTA's mission is to "protect and promote the well-being of its members; to improve the conditions of teaching and learning; to advance the cause of free, universal, and quality public education for all students; to ensure that the human dignity and civil rights of all children and youth are protected; and to secure a more just, equitable, and democratic society."

In keeping with this mission, the Association is opening the following articles of the collective bargaining agreement for negotiations:

IV Negotiations Procedure

HUTA has an interest in updating language for negotiations procedures

VIII Hours of Employment

HUTA has an interest in updating language for teacher prep time/work time before the start of the school year

HUTA has an interest in updating language for early release Thursdays and faculty meetings

HUTA has an interest in adding a new section for report card release time

In the interest of having a timely process, the bargaining team would like to meet as soon as possible to establish dates for negotiation meetings during the contracted day pursuant to Section 3543.1 of the Government Code. To have productive meetings, we are requesting that we schedule dates with at least half-day time allowances to ensure adequate time for proposal sharing, discussion, and negotiations.

Please let us know what days are available for the District so we may confirm some dates as soon as possible.

Respectfully,

Mariah Monroe and Kyle Collins

Negotiators, Harmony Union Teachers Association



10. F. Consideration of contract with Aristotle K12

Quick Summary / Abstract

Aristotle K12 is a network security company focusing on student safety on district devices and networks.

Recommendation

That the board approve the contract with Aristotle K12.



10. G. Consideration of Superintendent Contract

Recommendation

That the Board approve the Superintendent contract.



11. Next Board Meeting

Quick Summary / Abstract

Next regular meeting is December 12 , 2024.



12. Adjournment
