

## **Philosophy – Goals and Comprehensive Plans**

The Board of Trustees of the Lowell Joint School District believes that public education is of fundamental importance to a free society and to the continued development of our American Heritage. In order for education to succeed, there must be an ongoing partnership between parents, students, educators and the community.

- A. As the public school is the bulwark of American Democracy, the Board and the individual trustees should use every endeavor to make it an efficient instrument for training of children for responsible citizenship.
- B. The position of a trustee is one of public trust and responsibility. It is a trustee's duty to rise above partisanship and to keep in mind that a trustee represents at all times the entire community and that the schools are being maintained for the benefit of the whole public and not for any group or portion. A trustee must at all times strive to build up and maintain public confidence in the Board, in the employees and the work being done by the schools without foreclosing the right to seek sound improvement in any of these areas. The relations between the trustees, employees and the general public should be one of mutual frankness, confidence and sincerity. Trustees must be guided by loyalty, honesty of purpose and efficiency and expect such qualities in the school personnel.

The Board of Trustees adopts the following definitions for the development of sound and responsible educational policies:

Educational Philosophy: "Philosophy" means a composite statement of the major role and responsibilities of the educational program in the Lowell Joint School District.

Educational Goals: "Goal" means a statement of broad direction or intent that is general and timeless and is not concerned with a particular achievement within a specified time period.

### Board Responsibility

The success of our educational system relies heavily on the development and implementation of evaluation processes that ensure the needs of the student our community, State and Nation are addressed.

- (cf. 0100 - Philosophy)
- (cf. 0200 - Goals for the School District)
- (cf. 0400 - Comprehensive Plans)
- (cf. 6010 - Goals and Objectives)
- (cf. 9000 - Role of the Board)
- (cf. 0500 - Accountability)
- (cf. 1100 - Communication with the Public)

Policy Adopted: March 23, 1987    Policy Revised: September 26, 2005;

## **Philosophy**

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

(cf. 0000 – Philosophy – Goals and Comprehensive Plans

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

(cf. 9000 - Role of the Board)

### Philosophy Statement

The Board of Trustees and the professional staff of the Lowell Joint School District recognize that the major role of education is to stimulate students to learn to their capacities, develop their ability to think and evaluate effectively, and teach them to become responsible citizens in a free society. We recognize that education should be a continuing process, and it is our purpose to inspire in our students' intellectual curiosity and a desire for lifelong learning and an appreciation of our American heritage.

It is the intent of the district to place strong emphasis on the basic skills of reading, language and mathematics in order to prepare our students for the present and the future.

It is the responsibility of the Board to adopt an educational program commensurate with the needs, interests, aptitudes and capacities of the students in our district. Our schools are based upon a firm belief in the integrity, worth and responsibilities of the individual in our democratic society.

The school also seeks to serve as an agent in supplementing home and church in the development and practice of moral behavior, high ideals and values and in responsibilities to society, community and our country.

This philosophy will foster the development of students capable of exhibiting certain types of desirable behaviors that are reflected in the goals stated in BP0200 (a, b).

Legal Reference:

EDUCATION CODE

51002 Local development of programs based on stated philosophy and goals

51019 Definition of philosophy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Goals for the School District**

The Board of Trustees adopts the following goals for achieving the district's philosophy for its schools:

### Major Goals

PROVIDE A WELL-ROUNDED BASIC EDUCATIONAL PROGRAM WITH AN EMPHASIS ON THE SKILLS OF READING, WRITING, LANGUAGE ARTS AND MATHEMATICS, DESIGNED TO MEET INDIVIDUAL NEEDS (HIGHEST PRIORITY GOAL).

SET AND MAINTAIN HIGH STANDARDS OF DISCIPLINE AND SOCIAL RESPONSIBILITY.

ASSIST STUDENTS IN DEVELOPING HABITS AND ATTITUDES THAT WILL INSURE RESPECT FOR AUTHORITY AND THE RIGHTS, OPINIONS AND PROPERTY OF OTHERS.

ASSIST STUDENTS IN DEVELOPING SELF-ESTEEM, A POSITIVE ATTITUDE TOWARD EDUCATION, SELF-DIRECTION, GOOD WORK AND STUDY HABITS AND AN ACCEPTANCE OF RESPONSIBILITY.

CONTINUE TO IMPROVE COMMUNICATIONS AMONG HOME, SCHOOL AND COMMUNITY.

MAINTAIN FISCAL INTEGRITY FOR THE DISTRICT.

### Instructional Goals

Provide a well-rounded basic educational program emphasizing basic skills.

Provide programs for enrichment and remediation.

Provide for the specialized needs of identified groups of students.

Provide instruction in problem solving and decision making with the ability to critically analyze information and data.

Emphasize the values of good citizenship and patriotism, while developing an appreciation and understanding of our American ideals and American Heritage, including our governmental and economic system.

Help students become aware and appreciate the fine arts and provide opportunities for developing creativity and self-expression.

**Goals for the School District (continued)**

Provide programs to help students understand and appreciate the important role of the family in our society and how to be a constructive family member.

Encourage students to develop an appreciation and understanding of America and how it interacts with the various cultures of the world and their contributions.

Assist students in becoming aware of the need to conserve our natural resources to protect the environment and also the nature of social and technological change and its effect on their lives.

Introduce students to career opportunities relating the value of school subjects to those careers.

Assist students in the process of setting personal goals.

Provide programs that develop and contribute to good mental and physical health of the individual student.

Operational Goals

Provide a learning environment that will allow students to function at their highest capability academically.

Provide a learning environment that will encourage intellectual curiosity and a desire for lifelong learning.

Provide teachers who are encouraging and supportive of each of their students.

Provide attractive and well-maintained buildings and grounds that will contribute to student and community pride.

Provide for an annual Accountability Report Card that is available to parents and community.

(cf. 0000 – Philosophy – Goals and Comprehensive Plans

(cf. 0100 - Philosophy)

(cf. 0500 - Accountability)

(cf. 6010 - Goals and Objectives)

(cf. 9000 - Role of the Board)

The Superintendent or designee may establish short-term, interim objectives and comprehensive plans to ensure adequate, regular progress toward the district's long-term goals.

**Goals for the School District (continued)**

- (cf. 0400 - Comprehensive Plans)
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)
- (cf. 6164.4 - Identification of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education under Section 504)
- (cf. 6171 - Title I Programs)
- (cf. 6172 - Gifted and Talented Student Program)
- (cf. 6174 - Education for English Language Learners)
- (cf. 3550 - Food Service/Child Nutrition Program)
- (cf. 3553 - Free and Reduced Price Meals)
- (cf. 3100 - Budget)
- (cf. 3400 - Management of District Assets/Accounts)
- (cf. 3460 - Financial Reports and Accountability)
- (cf. 0440 - District Technology Plan)
- (cf. 6163.4 - Student Use of Technology)
- (cf. 0510 - School Accountability Report Card)

Legal Reference:

EDUCATION CODE

51002 Local development of programs based on stated philosophy and goals

51020 Definition of goal

51021 Definition of objective

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## Comprehensive Plans

The Board of Trustees believes that careful planning is essential to effective implementation of district programs and policies. Comprehensive plans identify cohesive strategies for school improvement and provide stability in district operations.

The Superintendent or designee shall develop comprehensive plans for the implementation of the district's philosophy and goals as required by law. As appropriate, comprehensive plans may describe, but not be limited to, anticipated short- and long-term needs, measurable outcomes, priorities, activities, available resources, timelines, staff responsibilities, and strategies for internal and external communications regarding the plans.

(cf. 0000 – Philosophy - Goals and Comprehensive Plans)  
 (cf. 0200 - Goals for the School District)  
 (cf. 0430 - Comprehensive Local Plan for Special Education)  
 (cf. 0440 - District Technology Plan)  
 (cf. 0500 - Accountability)  
 (cf. 3516 - Emergencies and Disaster Preparedness Plan)  
 (cf. 6171 - Title I Programs)

Comprehensive plans may be subject to review and approval by the Board.

The process for developing comprehensive plans may include participation of school and community representatives. Committees may be appointed to assist in the development of plans. Comprehensive plans shall be available to the public and shall be reviewed at regular intervals as required by law.

(cf. 1220 - Citizen Advisory Committees)  
 (cf. 9130 - Board Committees)

In addition, school-level plans may be developed to meet the unique circumstances of individual school sites provided that they are consistent with law, district vision, Board policies, administrative regulations and districtwide plans. School plans may be subject to review and approval of the Superintendent or designee and/or the Board.

(cf. 0420 - School Plans/Site Councils)  
 (cf. 0420.1 - School-Based Program Coordination)

Legal Reference:  
 EDUCATION CODE  
 35035 Powers and duties of Superintendent  
 35291 Rules (power of governing board)

Policy Adopted: March 23, 1987      Policy Revised: September 26, 2005;

## **Comprehensive Plans**

### **Nondiscrimination in District Programs and Activities**

The Board of Trustees is committed to equal opportunity for all individuals in education, District programs and activities shall be free from discrimination based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The Board shall promote programs that ensure that discriminatory practices are eliminated in all district activities.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

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

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

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

The Superintendent or designee shall also provide information about related complaint procedures.

(cf 1312.3 – Uniform Complaint Procedures)

In compliance with law, the district's nondiscrimination policy shall be published in the individual's primary language to the extent practicable.

(cf. 5145.6 – Parental Notification)

## **Comprehensive Plans**

### **Nondiscrimination in District Programs and Activities (continued)**

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

GOVERNMENT CODE

11000 Definitions

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities in Education Act

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

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

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

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

106.9 Dissemination of policy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; June 18, 2012



## **Comprehensive Plans**

### **School Plans/District Master Plan for School Improvement/Site Councils**

#### **School Plans**

The Board of Trustees encourages development of school plans designed to meet the specific needs at individual school sites. The Board may approve or disapprove school plans as necessary in order to fulfill the district's mission, accomplish the Board's adopted goals and/or comply with legal requirements.

(cf. 0000 – Philosophy – Goals and Comprehensive Plans

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

When submitting a consolidated application for state and federal categorical programs to the California Department of Education, the Superintendent or designee shall assure that a single plan for student achievement has been prepared for each participating school in accordance with law. (Education Code 64001)

The Superintendent or designee shall ensure that schools desiring to participate in categorical programs establish and maintain a school site council. Such councils shall be responsible for the development, review and modification of school plans and for other duties as prescribed by law.

(cf. 0420.1 - School-Based Program Coordination)

#### **District Master Plan for School Improvement**

The Superintendent is directed to update the Master Plan for School Improvement for consideration by the Board of Trustees and to administer the program in accordance with provisions of the Education Code, Administrative Code Title 5 and the District Master Plan. Updated plans shall be approved by the Board, retained at the District Office and made available to the Superintendent of Public Instruction and the public upon request.

The School Site Council, teachers and other school personnel, parents and/or other community members shall be given the opportunity to participate in the development and updating of the District Master Plan.

#### **School Site Councils**

- A. All schools in the Lowell Joint School District shall form School Site Councils.
- B. The composition of the Council shall be in accordance with the provisions of E.C.52012.

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### **School Plans/District Master Plan for School Improvement/Site Councils**

#### **School Site Councils (continued)**

- C. In the elementary schools, the Council shall be constituted to ensure parity between (1) the principal, classroom teachers, other school personnel and (2) parents or other community members selected by parents. The recommended number for the elementary Council is ten (10).
- D. In the intermediate school, the Council shall be constituted to ensure parity between (1) the principal, classroom teachers other school personnel and (2) parents and students. The recommended number for the intermediate Council is twelve (12).
- E. School Site Council members shall be selected from volunteers from the teaching staff and other school personnel and from volunteers from the parents and community at large of that school.
- F. The principal shall serve as a permanent member of the Council and may be elected chairperson. When the principal is not serving as chairperson, he/she shall serve as vice-chairperson to the Council.
- G. Each School Site Council shall develop bylaws that will define the operation of the Council. School Site Council bylaws are subject to the approval of the Board of Trustees and shall include:
  - 1. Purpose or Role of Council.
  - 2. Composition of the Council
  - 3. Process for Selection and Replacement of Members
  - 4. Designation and Selection of Officers
  - 5. Term of Office
  - 6. Time and Place of Meetings
  - 7. Provisions for Agenda and Minutes of Meetings
  - 8. Voting Procedures
  - 9. Committee Organization Procedures
  - 10. Procedures for Communication with Board of Trustees, School and Community
- H. Each School Site Council shall meet and consider whether or not it wishes the local school to participate in the School Improvement Program.

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### **School Plans/District Master Plan for School Improvement/Site Councils**

#### **School Site Councils (continued)**

In accordance with the provisions of E.C. Section 52011 (b):

“...Final determination as to whether a local school will participate in the School Improvement Program shall rest with the local governing board.”

- I. The Chairperson and the principal shall submit a joint report of the activities of the School Site Council at a regular meeting of the Board of Trustees at the end of each school year.

A mid-year report that contains the following information will be submitted to the Board after the first semester:

- a. A summary of modifications of the school plans made since the plans were last approved by the Board;
  - b. Information about any significant changes in implementation; and
  - c. Exceptional items requiring Board attention and possible action.
- J. School Site Councils are subject to the provisions of the Education Code and the policies of the Board of Trustees of the Lowell Joint School District.
- K. The Board of Trustees shall retain the right to be the final authority on matters pursuant to these policies.

The School Site Council shall develop a three-year improvement plan in accordance with requirements of the Education Code and policy of the Board of Trustees. Upon Board approval of the plan, the School Site Council shall assume responsibility for the ongoing review of its implementation and the periodic evaluation of the program's effectiveness. The Council shall annually review the plan, establish the plan budget and upgrade the plan to reflect changing improvement needs and priorities. All plans, budgets and revisions are subject to the approval of the Board of Trustees.

Legal Reference:

EDUCATION CODE

52 Designation of schools

53 Designation of high schools

8750-8754 Conservation Education

18100-18203 School libraries

**Comprehensive Plans**

**School Plans/District Master Plan for School Improvement/Site Councils**

**School Site Councils (continued)**

Legal Reference (continued):

**EDUCATION CODE**

44520-44534 New Careers Program

44500-44508 Peer Assistance and Review Program

51870-51874 Educational Technology

52000-52049.1 School Improvement Program

52053-52055.51 Immediate Intervention/Underperforming Schools Program

52176 Advisory committees

52200-52212 Gifted and Talented Education Program

52340-52346 California Regional Career Guidance Centers

52800-52904 School-Based Program Coordination Act

54000-54041 Educationally Disadvantaged Youth Programs

54425 Advisory committees (compensatory education)

54650-54659 Education Improvement Incentive Program

54720-54734 School-Based Pupil Motivation and Maintenance Program

56000-56885 Special education

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

**CODE OF REGULATIONS, TITLE 5**

3930-3937 Compliance plans

**UNITED STATES CODE, TITLE 20**

6301-6578 Title I programs

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Comprehensive Plans**

### **School Plans/District Master Plan for School Improvement/Site Councils**

#### **School Site Councils**

When required for participation in any categorical program, each district school shall establish a school site council or advisory committee. (Education Code 41507, 41572, 52852, 64001)

The school site council shall be composed of the following (Education Code 42507, 42572, 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel chosen by the school's other personnel
4. Parent/guardians of students attending the school chosen by other such parents/guardians, or community members chosen by the parents/guardians as representatives
5. In secondary schools, students attending the school chosen by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For elementary school site councils, the remaining half shall be parents/guardians or parent/guardian representatives. For secondary school site councils, the remaining half shall be equal numbers of parents/guardians (or parent/guardian representatives) and students. (Education Code 41507, 41572, 52852)

A district employee may serve as a parent/guardian representative on the site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

School site councils may function on behalf of other committees in accordance with law. (Education Code 52055.620, 52176, 52870, 54425; 5 CCR 3932)

(cf. 1220 – Citizen Advisory Committees)

#### **Single Plan for Student Achievement**

In order for a school to participate in any state or federal categorical program listed in Education Code 42506, 42571, or 64000, the school site council shall approve, annually review, and update a single plan for student achievement. If the school does not have a school site council, a schoolwide advisory group or school support group conforming to

## **Comprehensive Plans**

### **School Plans/District Master Plan for School Improvement/Site Councils (continued)**

the composition requirements of the school site council listed above shall fulfill these responsibilities. (Education Code 41507, 41572, 64001)

(cf. 6190 – Evaluation of the Instructional Program)

The single plan for student achievement shall be aligned with school goals for improving student achievement and shall be based on an analysis of verifiable state data, including the Academic Performance Index (API) and the California English Language Development Test (CELDT), and any other data voluntarily developed by the district to measure student achievement. (Education Code 64001)

The plan shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by the API
2. Identify the school's means of evaluating progress toward accomplishing those goals
3. Identify how state and federal law governing these programs will be implemented

Plans developed for the state's Immediate Intervention/Underperforming Schools Program pursuant to Education Code 52054 or the federal Title I schoolwide programs pursuant to 20 USC 6314 shall satisfy the requirement for a single plan for student achievement. (Education Code 64001)

(cf. 6171 – Title I Programs)

### **School Plans for Categorical Block Grants**

Whenever a school participates in the state's categorical block grant programs for student retention and/or school and library improvement, that school's single plan for student achievement shall include, but need not be limited to: (Education Code 41507, 41572)

1. Curricula, instructional strategies and materials responsive to the individual educational needs and learning styles of each student that enables all students to do all of the following:

**Comprehensive Plans****School Plans/District Master Plan for School Improvement/Site Councils  
(continued)**

- a. Make continuous progress and learn at a rate appropriate to their abilities
  - b. Master basic skills in language development and reading, writing and mathematics
  - c. Develop knowledge and skills in other aspects of the curricula, such as arts and humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education
  - d. Pursue educational interests and develop esteem for self and others; personal and social responsibility, critical thinking and independent judgment
2. Consideration of the use of community resources to achieve instructional improvement objectives
  3. Consideration of the use of education technology
  4. A staff development program for teachers, other school personnel, paraprofessionals and volunteers
  5. Provisions for utilization of the student success team process to identify and assess the needs of students who are dropouts or potential dropouts, and to develop programs to meet those needs
  6. Procedures for coordinating services from funding sources at the school level to help students participate successfully in the core academic curricula.
  7. Instructional and auxiliary services to meet the special needs of students who are limited-English speaking, including instruction in a language they understand; educationally disadvantaged students; gifted and talented students and students with disabilities
  8. Improvement of the classroom and school environments, including improvement of relationships between and among students, school personnel, parents/guardians and the community, and reduction of the incidence of violence and vandalism among students
  9. Improvement of student attendance, including parent/guardian awareness of the importance of regular school attendance

**Comprehensive Plans**

**School Plans/District Master Plan for School Improvement/Site Councils  
(continued)**

10. The proposed expenditure of block grant funds and the degree to which expenditures meet the plan's criteria
11. Other activities and objectives established by the school site council
12. A process for ongoing evaluation and modification of the plan

The evaluation shall be based on the degree to which the school is meeting the plan's objectives, student achievement and improved school environment. An improved school environment shall be measured by indicators such as the incidence of absenteeism, suspension and expulsion, dropouts, school violence, vandalism and theft; student attitudes toward the school, self and others; absenteeism among staff, staff resignations and requests for transfers; and satisfaction of students, parents/guardians, teachers, administrators and staff.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Comprehensive Plans**

### **School-Based Program Coordination**

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

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

(cf. 0420 – School Plans/Site Councils)  
(cf. 1220 – Citizen Advisory Committees)

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

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

(cf. 0500 – Accountability)  
(cf. 1220 – Citizen Advisory Committees)

#### Legal Reference:

##### EDUCATION CODE

8750-8754 Conservation Education

41500-42573 Categorical education block grants

51870-51874 Education Technology

52200-52212 Gifted and Talented Education Program

52340-52346 California Regional Career Guidance Centers

52800-52904 School-Based Program Coordination Act

54000-54041 Educationally Disadvantaged Youth Programs

54650-54659 Education Improvement Incentive Program

56000-56885 Special education

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Comprehensive Plans**

### **School-Based Program Coordination**

The Superintendent or designee shall give all principals information about the School-Based Program Coordination Act. (Education Code 52852.5)

Categorical funds coordinated under this program may include funding for: (Education Code 52851)

1. Educational Technology (Education Code 51870-51874)

(cf. 0440 - District Technology Plan)  
(cf. 4060 - Employee Use of Technology)  
(cf. 6162.7 - Use of Technology in Instruction)  
(cf. 6163.4 - Student Use of Technology)

2. School Improvement Program (Education Code 52000-52049.1)

3. Gifted and Talented Education Program (Education Code 52200-52212)

(cf. 6172 - Gifted and Talented Student Program)  
(cf. 5149 - At-Risk Students)

4. Special Education (Education Code 56000-56885)

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

Funds coordinated by this program shall be used to supplement, not supplant, existing state and local appropriations. (Education Code 52852.5)

The school shall not be required to meet the statutory provisions or related California Code of Regulations for any coordinated program except as specifically provided under the School-Based Program Coordination Act. (Education Code 52851)

### **Plan**

Program goals, expenditures and evaluation processes shall be addressed in a single school plan for student achievement required for the state's consolidated application process. (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)  
(cf. 6190 - Evaluation of the Instructional Program)

## **Comprehensive Plans**

### **School-Based Program Coordination (continued)**

Whenever possible, the plan shall address: (Education Code 52853)

1. Curricula, instructional strategies and materials responsive to the individual needs and learning styles of students
2. Instructional and auxiliary services which meet the special needs of non-English-speaking or limited-English-speaking students; educationally disadvantaged students; gifted and talented students; and students with exceptional needs
3. A staff development program for teachers, other school personnel, paraprofessionals and volunteers, including those participating in special programs.
4. Ongoing evaluation of the school's educational program

(cf. 0500 - Accountability)

5. The proposed expenditures of funds available to the school through this program, including but not limited to expenditures for salaries and staff benefits for persons providing services for those programs
6. The proposed expenditure of funds available through the Improving America's Schools Act
7. Other activities and objectives established by the site council

The Board of Trustees Board shall review and approve or disapprove of the school plan. If a plan is not approved, the Board shall give the site council its specific reasons. (Education Code 52855)

The site council shall annually review the school plan, establish a new budget and, if necessary, make other modification to reflect changing needs and priorities. (Education Code 52853, 52857)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Comprehensive Plans**

### **Comprehensive Local Plan For Special Education**

The Board of Trustees Board desires to provide a free and appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district.

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

- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159 - Individualized Education Program (IEP))
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)
- (cf. 6159.4 - Behavioral Interventions for Special Education Students)
- (cf. 6164.4 - Identification of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the North Orange County Special Education Local Plan Area (NOCSELPA) hereinafter called SELPA.

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

- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1220 – Citizen Advisory Committees)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 4112.23 - Special Education Staff)

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

**Comprehensive Plans**

**Comprehensive Local Plan For Special Education (continued)**

Legal Reference:

EDUCATION CODE

- 56000-56001 Education for individuals with exceptional needs
  - 56020-56035 Definitions
  - 56040-56046 General provisions
  - 56048-56050 Surrogate parents
  - 56055 Foster parents
  - 56060-56063 Substitute teachers
  - 56170-56177 Children enrolled in private schools
  - 56190-56194 Community advisory committees
  - 56195-56195.10 Local plans
  - 56205-56208 Local plan requirements
  - 56213 Special education local plan areas with small or sparse populations
  - 56240-56245 Staff development
  - 56300-56385 Identification and referral, assessment, instructional planning, implementation, and review
  - 56440-56449 Programs for individuals between the ages of three and five years
  - 56500-56508 Procedural safeguards, including due process rights
  - 56520-56524 Behavioral interventions
  - 56600-56606 Evaluation, audits and information
  - 56836-56836.05 Administration of local plan
- GOVERNMENT CODE
- 95000-95029 California Early Intervention Services Act
- CODE OF REGULATIONS, TITLE 5
- 3000-3089 Regulations governing special education
- UNITED STATES CODE, TITLE 20
- 1400-1482 Individuals with Disabilities Education Act
- UNITED STATES CODE, TITLE 29
- 794 Rehabilitation Act of 1973, Section 504
- UNITED STATES CODE, TITLE 42
- 12101-12213 Americans with Disabilities Act
- CODE OF FEDERAL REGULATIONS, TITLE 34
- 99.10-99.22 Inspection, review and procedures for amending education records
  - 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
  - 300.500-300.514 Due process procedures for parents and children
  - 303.1-303.654 Early intervention program for infants and toddlers with disabilities

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## Comprehensive Plans

### Comprehensive Local Plan For Special Education

#### Definitions

*Free and appropriate education* (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education; include appropriate services for children aged 3 to 21 years; and are provided in conformity with the student's individualized education program pursuant to 34 CFR 300.340-300.350. The right to FAPE extends to students who are suspended or expelled or placed by the district in nonpublic school or agency services. (34 CFR 300.13, 300.121)

*Full educational opportunities* means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to nondisabled students. A program specialist may be responsible for assuring that students have full educational opportunities regardless of their district of residence. (34 CFR 300.504, 300.505; Education Code 56368)

*Least restrictive environment* means that to an appropriate extent, students with disabilities, including children in public or private instructions, shall be educated with children who are not disabled, including in nonacademic and extracurricular services and activities. (34 CFR 300.306, 300.550, 300.554).

*Special education* means specially designed instruction, at no cost to the parent/guardian, that may be needed to assist these individuals to benefit from specially designed instruction. Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and instructions, and in other settings; and instruction in physical education, to meet the educational and services needs of individuals with exceptional needs in the least restrictive environment. (Education Code 56031)

*Specially designed instruction* means adapting, as appropriate to the needs of an eligible child, the content, methodology or delivery of instruction. (34 CFR 300.26)

*Surrogate parent* means an individual assigned to act as a surrogate for the parents/guardians. The surrogate may represent an individual with exceptional needs in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability (34 CFR 300.515; Education Code 56050)

(cf. 6159.4 – Appointment of Surrogate Parent for Special Education)

## **Comprehensive Plans**

### **Comprehensive Local Plan For Special Education (continued)**

#### Elements of the Local Plan

The special education local plan shall include, but not be limited to the following:

1. Assurances that policies, procedures and programs, consistent with state law, regulation and policy are in effect as specified in Education Code 56205(a)(1-21) and in conformity with 20 USC 1412(a) and 20 USC 1413(a)(1). (Education Code 56205.)
2. An annual budget plan and annual services plan adopted at a public hearing held by the special education local plan area. (Education Code 56205)
3. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met.
4. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment. (Education Code 56206)

The local plan, annual budget plan and annual service plan shall be written in language that is understandable to the general public. (Education Code 56205)

The local plan, annual budget plan and annual service plan shall be written in language that is understandable to the general public. (Education Code 56205)

Each special education local plan area shall develop written agreements to be entered into by districts participating in the plan. (Education Code 56195.7)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES**

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information; offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources for purposes related to their employment. Personal activities will be limited and will in no way interfere with the educational/professional use for which hardware and software are intended. Such use is a privilege, which may be revoked at any time.

Computer files and electronic communications, including email and voice mail, are not private. In order to minimize risk to the District, technological resources shall not be used to transmit confidential information about students, employees, or District operations without authority.

### **Online/Internet Services**

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board Policy, and Administrative Regulation.



**ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)**

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

**Use of Cellular Phone or Mobile Communications Devices**

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board Policy, or Administrative Regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

**Legal Reference:**

**EDUCATION CODE**

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

**GOVERNMENT CODE**

3543.1 Rights of employee organizations

**PENAL CODE**

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

**VEHICLE CODE**

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

**UNITED STATES CODE, TITLE 20**

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

**UNITED STATES CODE, TITLE 47**

254 Universal service discounts (E-rate)

**ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES (continued)**

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

WEB SITES

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

American Library Association: <http://www.ala.org>

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

Federal Communications Commission: <http://www.fcc.gov>

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

Policy Adopted: November 5, 2007

Policy Revised:

## **ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES**

Online/Internet Services: User Obligations and Responsibilities

Unacceptable Uses

The following use of District Technology is unacceptable and in violation of this Board Policy:

1. Activities that violate any federal, state, or local law or District Policy.
2. Downloading or distributing non-licensed software or additional copies of licensed software that exceed the number licensed by the District. Copyrighted information or software for which the District does not have specific approval to store and/or use must not be stored on District Technology.
3. Propagating computer viruses.
4. Downloading, displaying, soliciting, archiving, storing, distributing, editing, or recording sexually explicit messages or images, including but not limited to, pornography or other visual depictions that are harmful to minors as defined in the Children's Internet Protection Act, 47 U.S.C. 254.
5. Downloading entertainment software or games, except as may be directly related to an employee's job duties (e.g., instructional materials).
6. Downloading or installing any Internet/Intranet screen saver programs.
7. Disseminating printing, or sharing copyrighted materials, including articles and software in violation of copyright laws.
8. Operating a business or soliciting money for personal gain. Using District Technology for any activity that is commercial in nature not related to work at the District, such as consulting services, typing services, developing software for sale, advertising products, and/or other commercial enterprises for personal financial gain.
9. Using District Technology to defame or act abusively toward others or to provoke a violent reaction, such as stalking, acts of bigotry, threats of violence, or other hostile or intimidating "fighting words." Offensive or harassing statements or language, including disparagement of others based on their race, ethnicity, religion, national origin, veteran status, ancestry, disability, age, sex, sexual orientation, or other protected characteristic.

**ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES Continued**

10. Gambling or engaging in any other activity in violation of local, state, or federal law.
11. Accessing or viewing information that promotes terrorism, espionage, theft or illegal drugs except in the course of legitimate research.
12. Making threats against any person or persons or engaging in any type of terrorist activity.
13. Urging the support or defeat of a political candidate or ballot proposition.
14. Disseminating, posting, or otherwise making available confidential, sensitive, or private information pertaining to students or employees to individuals who are not legally authorized to receive the information. Sensitive District material transmitted over the Internet (with authorization) shall be encrypted.
15. Disseminating defamatory information.
16. Unnecessary or unauthorized Technology usage that causes or attempts to cause, damage to or interference with any Technology, network or server, either locally or on any network that disrupts the instructional or work environment. Knowingly running, installing or giving to another user, any program on any computer system or network with the intended purpose of damaging or placing excessive load on a computer system or network used by others. Performing an act without authorization that will interfere with the normal operation of District Technology. Disguising, misrepresenting, or concealing the identity of a computer system connected to the District network. Attempting to circumvent data protection schemes or uncover security loopholes without prior written consent of the appropriate authority.
17. Attempting to monitor or tamper with another user's electronic communications or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the user, except as otherwise permitted under this Board Policy.
18. Using or assisting another to use an account or obtain a password without appropriate authorization.
19. Employing, either directly or by implication, a false identity when using an account or other electronic resource or posting or sending an anonymous communication. This includes sending unauthorized mail that appears to come from someone else as well as posting or otherwise disseminating materials which misrepresent the identity of the sender.

**ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (Continued)**

20. Providing students with access to confidential materials, including but not limited to grades, archives, test materials, or other inappropriate information.
21. Streaming video or audio content for purposes other than legitimate District business or instructional purposes.
22. Posting on electronic bulletin boards, Web pages, or any other computer network-based dissemination channel, any materials that violate District Policy or codes of conduct.
23. Using District networks to gain, or attempt to gain, unauthorized access to any computer system.
24. Facilitating or allowing use of a computer account, password, and/or network access or resources by any unauthorized person.
25. Posting an anonymous message or using web-based proxies/anonymizers or software that attempts to make online activity untraceable.
26. Sending emails or information that disrupts the instructional or work environment

Each staff member will be provided with a copy of the Board Policy and Administrative Regulation (if applicable) governing the use of technology and access to electronic resources. All staff members are to read the guidelines governing acceptable use of technology and electronic information resources in the District and agree to comply with the stated rules and the District's Internet guidelines. Staff members may not hold the District responsible for materials acquired on the Internet, for violations of copyright restrictions, mistakes or negligence, or any costs incurred by the staff member.

Regulation Adopted: December 5, 2005

Regulation Revised: November 5, 2007; June 18, 2012

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Employee Name

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Site

The Lowell Joint School District provides technology, including network and Internet services (including e-mail), telephone services (including voicemail), and other technological services to support the District's educational responsibilities and mission. Employees must comply with District Board Policy and local, state, and federal laws. Employees should be aware that unacceptable use of District technology or any technological device is a violation of District Policy and can be a violation of Local, State, and Federal law.

Employees may encounter material they interpret as inappropriate or offensive both on the Internet and via e-mail. While the District attempts to provide prudent and responsible barriers to such material, it is impossible to completely control this content. It is the Employee's responsibility to use caution while using District network, Internet, telephone, or other technological services. Employees are encouraged to report inappropriate content to the Director of Technology.

Use of District technology by every employee, student, volunteer, or other individual shall constitute that Person's acknowledgement of and agreement with this Board Policy. Furthermore, use of District technology does not create an expectation of privacy and the District reserves the right to review, monitor, and restrict information stored on and transmitted via District technology and to investigate the suspected unacceptable use of District resources.

Passwords, which allow access to District technology, must be protected at all times. Employees are not to disclose confidential information such as student information, to unauthorized individuals.

Unacceptable use of District technology includes, but is not limited to the following:

1. Activities that violate any federal, state, or local law or District Policy.
2. Downloading or distributing non-licensed software or additional copies of licensed software that exceed the number licensed by the District. Copyrighted information or software for which the District does not have specific approval to store and/or use must not be stored on District Technology.
3. Propagating computer viruses.
4. Downloading, displaying, soliciting, archiving, storing, distributing, editing, or recording sexually explicit messages or images, including but not limited to, pornography or other visual depictions that are harmful to minors as defined in the Children's Internet Protection Act, 47 U.S.C. 254.
5. Downloading entertainment software of games, except as may be directly related to an employee's job duties (e.g., instructional materials).
6. Downloading or installing any Internet/Intranet screen saver programs.
7. Disseminating printing, or sharing copyrighted materials, including articles and software in violation of copyright laws.
8. Operating a business or soliciting money for personal gain. Using District Technology for any activity that is commercial in nature not related to work at the District, such as consulting services, typing services, developing software for sale, advertising products, and/or other commercial enterprises for personal financial gain.
9. Using District Technology to defame or act abusively toward others or to provoke a violent reaction, such as stalking, acts of bigotry, threats of violence, or other hostile or intimidating "fighting words." Offensive or harassing statements or language, including disparagement of others based on their race, ethnicity, religion, national origin, veteran status, ancestry, disability, age, sex, sexual orientation, or other protected characteristic.
10. Gambling or engaging in any other activity in violation of local, state, or federal law.
11. Accessing or viewing information that promotes terrorism, espionage, theft or illegal drugs except in the course of legitimate research.
12. Making threats against any person or persons or engaging in any type of terrorist activity.

13. Urging the support or defeat of a political candidate or ballot proposition.
14. Disseminating, posting, or otherwise making available confidential, sensitive, or private information pertaining to students or employees to individuals who are not legally authorized to receive the information. Sensitive District material transmitted over the Internet (with authorization) shall be encrypted.
15. Disseminating defamatory information.
16. Unnecessary or unauthorized Technology usage that causes or attempts to cause, damage to or interference with any Technology, network or server, either locally or on any network that disrupts the instructional or work environment. Knowingly running, installing or giving to another user, any program on any computer system or network with the intended purpose of damaging or placing excessive load on a computer system or network used by others. Performing an act without authorization that will interfere with the normal operation of District Technology. Disguising, misrepresenting, or concealing the identity of a computer system connected to the District network. Attempting to circumvent data protection schemes or uncover security loopholes without prior written consent of the appropriate authority.
17. Attempting to monitor or tamper with another user's electronic communications or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the user, except as otherwise permitted under this Board Policy.
18. Using or assisting another to use an account or obtain a password without appropriate authorization.
19. Employing, either directly or by implication, a false identity when using an account or other electronic resource or posting or sending an anonymous communication. This includes sending unauthorized mail that appears to come from someone else as well as posting or otherwise disseminating materials which misrepresent the identity of the sender.
20. Providing students with access to confidential materials, including but not limited to grades, archives, test materials, or other inappropriate information.
21. Streaming video or audio content for purposes other than legitimate District business or instructional purposes.
22. Posting on electronic bulletin boards, Web pages, or any other computer network-based dissemination channel, any materials that violate District Policy or codes of conduct.
23. Using District networks to gain, or attempt to gain, unauthorized access to any computer system.
24. Facilitating or allowing use of a computer account, password, and/or network access or resources by any unauthorized person.
25. Posting an anonymous message or using web-based proxies/anonymizers or software that attempts to make online activity untraceable.
26. Sending emails or information that disrupts the instructional or work environment.

Employees in violation of the District Technology Employee Acceptable Use Policy will be subject to disciplinary action up to and including termination of employment and referral to the appropriate authorities for legal prosecution.

I have read, understand, and agree to comply with the above-stated District Technology Employee Acceptable Use Policy.

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Employee Printed Name

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Employee Signature

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Date

## **Comprehensive Plans**

### **Comprehensive Safety Plan**

The school site council at each district school shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Education Code 32281)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 – Citizen Advisory Committees)

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

Each school shall review and update its safety plan by March 1 of each year. (Education Code 32286)

(cf. 0510 – School Accountability Report Card)

Each school shall forward the safety plan to the Board for approval. (Education Code 32288)

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

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of sex discrimination

32270 School safety cadre

32280-32288 School safety plans

32290 Safety devices

##### EDUCATION CODE

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety and Consolidated Grant

48900-48926 Suspension and expulsion

48950 Speech and other communication

67381 Violent crime



**Comprehensive Plans**

**Comprehensive Safety Plan (continued)**

Legal Reference: (continued)

PENAL CODE

628-628.6 Reporting of school crime

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

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

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities, especially:

7114 Application for local educational agencies

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Comprehensive Plans**

### **Comprehensive Safety Plan**

#### **Development and Review of School Site Safety Plan**

The school site council may delegate the responsibility for writing and developing a school safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

The school site council or safety planning committee may consider incorporating into the plan the following “three essential components” and/or the strategies recommended in Education Code 35294.21:

1. Assuring each student a safe physical environment
2. Assuring each student a safe, respectful, accepting and emotionally nurturing environment
3. Developing each student’s resiliency skills

#### **Content of the Safety Plan**

The plan shall also identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety and shall include the development of all of the following; (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 – Child Abuse Prevention and Reporting)

## **Comprehensive Plans**

### **Comprehensive Safety Plan**

#### **Development and Review of School Site Safety Plan (continued)**

2. Routine and emergency disaster procedures including, but not limited to:
  - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act
  - b. An earthquake emergency procedure system in accordance with Education Code 32282
  - c. A procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
3. Policies pursuant to Education Code 48915(c) and other school-designed serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations
4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
5. A discrimination and harassment policy consistent with the prohibition against discrimination pursuant to Education Code 200-262.4
6. If the school has adopted a dress code prohibiting students from wearing “gang-related apparel,” the provisions of that dress code
7. Procedures for safe ingress and egress of students, parents/guardians and employees to and from school
8. A safe and orderly school environment conducive to learning
9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Philosophy - Goals and Comprehensive Plans**

### **Accountability**

The Board of Trustees has a responsibility to continually reexamine district programs and practices to determine their effectiveness in serving all students. Review and evaluation procedures shall provide a mechanism for ensuring accountability to parents/guardians and the community.

(cf. 9000 - Role of the Board)

To enable the Board to fulfill these responsibilities, the Superintendent or designee shall identify and/or develop appropriate measures to ensure accountability. These measures shall be integrated and consistent with the state's accountability system and may include, but not be limited to, measures to evaluate student achievement, parent/guardian involvement and other district goals.

(cf. 0000 – Philosophy – Goals and Comprehensive Plans)

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

(cf. 6011 - Academic Standards)

(cf. 9300 - Governance)

The Superintendent or designee shall regularly report to the Board regarding progress toward the district's goals and the implementation of comprehensive plans.

(cf. 3100 - Budget)

(cf. 3460 - Financial Accountability and Reports)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 9311 - Board Policies)

Results of the report to the Board may be used as a basis for implementing programmatic changes, determining the need for additional support or assistance, awarding incentives or rewards, and establishing other performance-based consequences.

(cf. 0510 - School Accountability Report Card)

Each July, the Board shall, at a regularly scheduled meeting, discuss the results of each school's annual ranking on the statewide Academic Performance Index. (Education Code 52056)

**Philosophy - Goals and Comprehensive Plans**

**Accountability (continued)**

Legal Reference:

EDUCATION CODE

33127-33129 Standards and criteria for fiscal accountability

33400-33407 CDE evaluation of district programs

44660-44665 Evaluation of certificated employees

51041 Evaluation of the educational program

52050-52058 Public Schools Accountability Act

CODE OF REGULATIONS, TITLE 5

15440-15463 Standards and criteria for fiscal accountability

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Accountability**

### **School Accountability Report Card**

The Board of Trustees shall annually issue a school accountability report card for each school site. (Education Code 35256)

Such report cards shall be designed to inform parents/guardians and the community about conditions, needs and progress at each school and help provide data by which parents/guardians can make meaningful comparisons between schools. The Board believes that the process of developing the report cards gives school staff opportunities to review achievements, identify areas for improvement, enlist local support and establish a vision for the future.

The Superintendent or designee shall maintain a process for developing annual report cards for each school site. The Superintendent or designee shall develop strategies for communicating the information contained in the cards to all stakeholders, including opportunities for staff and the community to discuss their content.

(cf. 0420 - School Plans/Site Councils)  
(cf. 0500 - Accountability)  
(cf. 6190 - Evaluation of the Instructional Program)

#### Notification

The Board shall publicize the issuance of school accountability report cards and notify parents/guardians that a copy will be provided upon request. (Education Code 35256)

(cf. 5145.6 - Parental Notifications)

If possible, the Superintendent or designee shall ensure that the information contained in the school accountability report card is accessible on the Internet and that the information is updated annually. (Education Code 35258)

#### Legal Reference:

##### EDUCATION CODE

1240 County superintendent, general duties  
17002 Definition, including good repair  
17014 Plan for building maintenance  
17032.5 Portable classroom maintenance  
33126 School Accountability Report Card  
33126.1 School Accountability Report Card model template

**Accountability**

**School Accountability Report Card (continued)**

Legal Reference (continued):

35256 School Accountability Report Card

35256.1 Information required in the School Accountability Report Card

35258 Internet access to the School Accountability Report Card

41409 Calculation of statewide averages

41409.3 Salary information required in the School Accountability Report Card

46112 Minimum school day for grades 1, 2 and 3

46113 Minimum school day for grades 4 through 8

46117 Minimum kindergarten school day

52052 Academic performance index

52056 Meeting growth targets

60600-60618 General provisions

60119 Textbook sufficiency

60600-60618 General provisions

60640-60648 Standardized testing and reporting program

60800 Physical fitness testing

CALIFORNIA CONSTITUTION

Article 16, Section 8.5(e) Allocations to State School Fund

UNITED STATES CODE, TITLE 20

6311 State plans

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Accountability**

### **Title I Program Improvement Schools**

The Board of Trustees desires to assist all schools receiving federal Title I funds to achieve adequate yearly progress (AYP) toward the state's proficient level of achievement on state assessments.

(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)  
(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6171 - Title I Programs)

The Superintendent or designee shall coordinate program improvement efforts with federal, state and local school improvement programs as appropriate.

(cf. 0420.1 - School-Based Program Coordination)

The Superintendent or designee shall provide the Board with regular reports on the implementation of the improvement plan and the effectiveness of the program improvement efforts in raising student achievement.

(cf. 6190 - Evaluation of the Instructional Program)  
(cf. 9000 - Role of the Board)

#### Legal Reference:

##### EDUCATION CODE

60642.5 California Standards Tests

60850-60856 High School Exit Examination

##### UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 Adequate yearly progress

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

636 School improvement

7912 Persistently dangerous schools

##### CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 Adequate yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

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



**Accountability**

**Title I Program Improvement Schools (continued)**

Legal Reference (continued):

CODE OF FEDERAL REGULATIONS, TITLE 34

200.44 School choice option

200.45-200.47 Supplemental services

200.48 Funding for transportation and supplemental services

200.49-200.51 State responsibilities

200.52-200.53 District improvement

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Accountability**

### **Title I Program Improvement Schools**

#### Definitions

Program improvement school is a school receiving federal Title I funds that has failed to make adequate yearly progress for two or more consecutive school years.

Adequate yearly progress (AYP) is the minimum percentage of students at each school who must perform at or above the "proficient" level each year in reading-language arts and mathematics. The minimum percentage rises each year, so that by 2014 all students in all schools must achieve at the proficient level or higher in both content areas. The minimum percentage also applies to each numerically significant subgroup of students, unless the percentage of students in the group who did not meet or exceed the target decreased by at least 10 percent from the preceding year and the group progressed on one or more academic indicators.

At or above the "proficient" level, for students in grades 2-8, means the percentage of students scoring at the proficient or advanced level on the California Standards Tests. For special education students proficient is limited to the performance on the California Performance Assessment (CAPA).

(cf. 6162.51 - Standardized Testing and Reporting Program)

Numerically significant subgroups include economically disadvantaged students, students from major racial and ethnic groups, students with disabilities and students with limited English proficiency. For purposes of determining AYP, a significant subgroup is at least 100 students, or 50 students who represent at least 15 percent of the students to be tested.

Program Improvement School is a school receiving federal Title I funds that has failed to make AYP for two or more consecutive school years on the same indicator (i.e., AMOs for ELA and Mathematics participation rate).

When any district school is identified for program improvement: (20 USC 6316)

(cf. 0420 - School Plans/Site Councils)

(cf. 6171 - Title I Programs)

1. The Superintendent or designee shall provide students enrolled in the school the option of transferring to another district school or charter school that has not been identified for program improvement, as described below under "Student Transfers."

**Accountability**

**Title I Program Improvement Schools (continued)**

(cf. 5118 - Transfers)

2. The school shall develop or revise a two-year improvement plan in accordance with 20 USC 6316, for approval by the Board of Trustees.

Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with the review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law. (20 USC 6316)

The school shall implement the improvement plan no later than the beginning of the next full school year following the school's identification for program improvement, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan. (20 USC 6316)

As the school develops and implements the school plan, the Superintendent or designee may facilitate that the school receives technical assistance either from the district, the California Department of Education, an institution of higher education, a private organization, an educational service agency or another entity with experience in helping schools improve academic achievement including assistance in: (20 USC 6316)

1. Analyzing state assessment data and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school's Title I plan
2. Identifying and implementing professional development, instructional strategies and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement
3. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and to remove the school from program improvement status

For any school that fails to make AYP by the end of the first full school year after being identified for program improvement, the Superintendent or designee shall: (20 USC 6316)

1. Continue to provide all students enrolled in the school with the option to transfer to another district school that has not been identified for program improvement

## **Accountability**

### **Title I Program Improvement Schools (continued)**

2. Arrange for the provision of supplemental educational services to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below under "Supplemental Educational Services"
3. Continue to provide for technical assistance

When a school identified for program improvement, corrective action or restructuring makes AYP for two consecutive school years, it shall no longer be subject to the requirements described above. (20 USC 6316)

#### Notifications

Whenever a school is identified for program improvement, corrective action or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for program improvement
6. An explanation of the option to transfer to another district school or charter school or to obtain supplemental educational services

All notifications pertaining to program improvement shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316)

## **Accountability**

### **Title I Program Improvement Schools (continued)**

#### Student Transfers

All students enrolled in a Title I school that is identified for program improvement, corrective action or restructuring shall be provided an option to transfer to another district school that: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for program improvement, corrective action or restructuring
2. Has not been identified by the California Department of Education as a "persistently dangerous" school pursuant to 20 USC 7912

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5116.1 - Intradistrict Open Enrollment)

Among these students, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

An explanation of the option to transfer to another public school shall be promptly provided to parents/guardians of each student enrolled in an identified school. Such notice shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parents/guardians can understand. (20 USC 6316)

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee may provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

## **Accountability**

### **Title I Program Improvement Schools (continued)**

The Superintendent or designee may establish reasonable timelines for parents/guardians to indicate their intent to transfer their child and for the district to notify parents/guardians of the school assignment. Parent/guardians may decline their assigned school and remain in the school of origin.

(cf. 3540 - Transportation)

Any student who transfers to another school may remain in that school until he/she has completed the highest grade in that school. (20 USC 6316)

If all district schools are identified for program improvement, corrective action or restructuring, the Board shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for an interdistrict transfer. (20 USC 6316)

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 6011 - Academic Standards)

### **Supplemental Educational Services**

When required by law, supplemental educational services shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 and students with limited English proficiency receive appropriate supplemental educational services with any necessary accommodations or language assistance. (34 CFR 200.46)

If available funds are insufficient to provide supplemental educational services to each eligible student whose parents/guardians request those services, priority shall be given to the lowest-achieving eligible students. (20 USC 6316)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Accountability**

### **Title I Program Improvement Districts**

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

#### Legal Reference:

##### EDUCATION CODE

52055.57 Districts identified or at risk of identification for program improvement

52059 Statewide system of school support

##### UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 Adequate yearly program

6312 Local educational agency plan

6316 School and district improvement

6321 Fiscal responsibilities

##### CODE OF FEDERAL REGULATIONS, TITLE 34

200.13-200.20 Adequately yearly progress

200.30-200.35 Identification of program improvement schools

200.36-200.38 Notification requirements

200.52-200.53 District improvement

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Accountability**

### **Awards For School Performance**

The Board of Trustees recognizes that monetary and non-monetary incentives have a meaningful place in an accountability system designed to encourage student achievement. The Board believes that state rewards should recognize both outstanding performance and significant progress or growth toward performance goals.

- (cf. 0000 – Philosophy – Goals and Comprehensive Plans
- (cf. 0200 - Goals for the School District)
- (cf. 0500 - Accountability)
- (cf. 0510 - School Accountability Report Card)
- (cf. 1150 - Commendations and Awards)
- (cf. 4156.2 - Awards and Recognition)
- (cf. 5126 - Awards for Achievement)
- (cf. 6011 - Academic Standards)

District schools are encouraged to develop and implement plans to meet or exceed growth targets established for state school performance awards. To ensure eligibility for the state's awards programs, the Superintendent or designee shall encourage student participation in state assessment programs and promote ethical administration of such assessments by staff. The Superintendent or designee also shall develop methods to accurately report school enrollment data, student ethnicity and socioeconomic level, participation levels in state assessments, and numbers of students who are granted waivers based on parent request or the provisions of their Individualized Education Program.

- (cf. 0400 - Comprehensive Plans)
- (cf. 6159 - Individualized Education Program)
- (cf. 6162.5 - Student Assessment)
- (cf. 6174 - Education for English Language Learners)

The Superintendent or designee shall ensure that all award funds are distributed to eligible schools in accordance with law.

#### Legal Reference:

##### EDUCATION CODE

33126 School accountability report card

44015 Awards to employees and students

44650-44654 Certificated staff performance awards



**Accountability**

**Awards For School Performance (continued)**

Legal Reference (continued):

EDUCATION CODE

52050-52058 Public Schools Accountability Act, especially:

52057 Governor's Performance Award Program

54761 Categorical programs

60640-60647 Standardized Testing and Reporting Program

64000 Categorical programs

CODE OF REGULATIONS, TITLE 5

1031-1039 State performance awards programs

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Accountability**

### **Awards For School Performance**

#### Governor's Performance Awards

Any district school may be eligible to receive a Governor's Performance Award if the following conditions are met:

1. The school's Academic Performance Index (API) increased at least five percent of the difference between the prior year score and 800, or increased by five points, whichever is greater. (Education Code 52057; 5 CCR 1032)
2. Each numerically significant ethnic and socioeconomically disadvantaged subgroup demonstrated comparable improvement, defined as either 80 percent of the school's API growth target or, when the sum of the subgroup's growth target and subgroup's API is 800 or higher, the distance from the subgroup's API to 800. In all cases, the increase must be at least four points. (Education Code 52057; 5 CCR 1032)

A "numerically significant subgroup" is a subgroup that constitutes one of the following: (Education Code 52052, 52057)

- a. At least 15 percent of a school's total student population and at least 30 students
- b. At least 100 students, even if the subgroup does not constitute 15 percent of the total enrollment at a school

A "socioeconomically disadvantaged student" is a student neither of whose parents/guardians has received a high school diploma, or a student who participates in the free or reduced price lunch program.

(cf. 3553 - Free and Reduced Price Meals)

3. At least 95 percent of students in an elementary or middle school participated in the state's Standardized Testing and Reporting program, excluding students who were exempted from taking the test by their Individualized Education Program or parent waiver. (5 CCR 1032)

(cf. 6159 - Individualized Education Program)

(cf. 6162.5 - Student Assessment)

(cf. 6174 - Education for English Language Learners)

## **Accountability**

### **Awards For School Performance (continued)**

Any Governor's Performance Awards received on behalf of a district school shall be used at the school site for discretionary purposes. (Education Code 52057)

At each school receiving a Governor's Performance Award, the use of funds at the school site shall be determined by the school site council and then ratified by the Governing Board. (5 CCR 1039)

(cf. 0420 - School Plans/Site Councils)

The Board may accept or reject the proposal but shall not make modifications. If the Board rejects the proposal, the council may submit another proposal to the Board.

#### **Certificated Staff Performance Incentives**

A school may be eligible for state Certificated Staff Performance Incentives under the following conditions: (Education Code 44651; 5 CCR 1034)

1. The school was ranked in the lower half of the statewide API rankings (deciles 1-5) in the prior year.
2. The school improved a minimum of two times its annual growth target on its API between the base year and the current growth year.
3. The school was eligible for API awards in the year preceding the current API growth year.
4. All numerically significant ethnic or socioeconomically disadvantaged subgroups, as defined above, improved by a minimum of two times their annual growth targets. However, when the sum of a subgroup's growth target and the subgroup's API is 800 or higher, the subgroup's API must have increased two times the distance from the subgroup's API to 800. In all cases, the increase must be at least eight points.
5. At least 95 percent of students in an elementary or middle school participated in the state's Standardized Testing and Reporting program, excluding students who were exempted from taking the test by their Individualized Education Program or parent waiver. (5 CCR 1034)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Communication with the Public**

The Board of Trustees is committed to establishing and maintaining effective communication between the school district and the community served. The Board will strive to create and maintain schools that reflect the philosophy and the goals of the district. The Board appreciates the importance of incorporating the aspirations of the local community for an educational program that offers the best to its students. Accordingly, the Board will strive to keep the community fully informed to the best of its abilities as developments occur within the school system.

As part of the Board's continuing commitment to improve education, it shall endeavor to establish and maintain effective communications with the community by:

1. Inviting active participation of the public at both the school and district levels.
2. Providing a variety of ways for people to become involved in their schools so they can express their interest in and concern for their schools and students.
3. Providing information in a timely understandable and appropriate manner.
4. Being accessible to receive and respond to inquiries from members of the community regarding the district's policies and programs.

(cf. 1340 - Access to District Records)  
(cf. 5145.6 - Parental Notifications)  
(cf. 9321 - Closed Sessions Purposes and Agendas)

Legal Reference:  
EDUCATION CODE  
35172 Promotional activities

Policy Adopted: March 23, 1987  
Policy Revised: September 26, 2005;

## **Community Relations**

### **Media Relations**

The Board of Trustees Board respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Board and the Superintendent desire to reasonably accommodate media requests for information and to provide accurate, reliable and timely information.

Media representatives are welcome at all Board meetings and shall receive meeting agendas upon request.

(cf. 9322 - Agenda/Meeting Materials)

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 9321.1 - Closed Session Actions and Reports)

### **Interviewing and Photographing Students**

Representatives of the media may not interview students on the school grounds without the permission of the parent and approval of the principal. Interviews of students may not create substantial disorder, impinge on the rights of others or disrupt the educational program. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

(cf. 5145.2 - Freedom of Speech/Expression)

In order to protect the privacy and safety of students, a media representative who wishes to photograph students on school grounds must first make arrangements with the principal or designee.

When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission.

**Community Relations**

**Media Relations (continued)**

Media Communications Plan

The district shall specify the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent and designees.. Other Board members and staff may be asked by the Superintendent to speak to the media on a case-by-case basis.

(cf. 0510 - School Accountability Report Card)

(cf. 9240 - Board Development)

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance of public school or meeting

35144 Special meetings

35145 Public meetings

35160 Authority of governing boards

35172 Promotional activities

EVIDENCE CODE

1070 Refusal to disclose news source

PENAL CODE

627-627.10 Access to school premises

tr

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **District And School Websites**

#### Content

District and school web sites shall provide current and useful information regarding district programs, activities and operations. Such information shall be appropriate for both internal and external audiences.

The content of web sites may include, but not be limited to, district or school news, district mission and goals, agendas and minutes of Governing Board meetings, policy information, messages from the Board or administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, lunch menus, transportation schedules, school map, school handbook, parent conferences, educational resources, links to other educational sites and contacts for further information.

Whenever possible, the Superintendent or designee shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258)

(cf. 0510 - School Accountability Report Card)

Student work may be published on a web site provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a newspaper or school newsletter.

Students, staff or other individuals may not use district or school web sites to provide access to their personal web pages or online services.

**Community Relations**

**District And School Web Sites (continued)**

Legal Reference:

EDUCATION CODE

35182.5 Contracts for advertising

35258 Internet access to school accountability report cards

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and phone numbers of board members

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 Children's Online Privacy

Policy Adopted: November 5, 2007

Policy Revised:



## **Community Relations**

### **District And School Web Sites**

#### Content

District and school websites shall provide current and useful information regarding district programs, activities, and operations. Such information shall be appropriate for both internal and external audiences.

The content of websites may include, but not be limited to, District or school news, District mission and goals, policy information, messages from the Board of administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, lunch menus, transportation schedules, school map, school handbook, parent conferences, educational resources, links to other education sites, and contacts for further information.

The Superintendent or designee shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258)

Student work may be published on a website provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a newspaper or school newsletter.

Students, staff or other individuals may not use district or school websites to provide access to their personal web pages or online services.

If any copyrighted material is posted on a District or school website, the website shall include a notice crediting the original producer of the material and noting how and when permission to reprint the material was granted.

#### Roles and Responsibilities

The District webmaster shall be responsible for the content and publication of the District website upon approval of the Superintendent or designee. He/she shall review all content before publication, upload content to the District web server, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed to school webmasters.

The school webmaster shall perform similar duties related to the content and maintenance of the school's web site upon approval of the school principal. The principal or school webmaster shall notify the Superintendent or designee regarding the creating and updating of a school web site.

**Community Relations**

**District And School Web Sites**

Security

The website host computer shall have security procedures that prohibit unauthorized persons from accessing system-level controls or making changes to website content. To the extent possible, the host computer shall be in a lockable room with restricted access.

Regulation Approved: November 5, 2007

Regulation Revised:



## Students

## BP 1114 (a)

### Social Media

The Governing Board recognizes the value of technology such as social media platforms in promoting stakeholder and community involvement and collaboration. The purpose of any official district social media platform shall be to further the District's vision/mission and Core Values, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

The Superintendent shall develop content guidelines and protocols for official District social media accounts to ensure the appropriate and responsible use of these resources and compliance with law, Board policy, and regulation.

#### GUIDELINES FOR CONTENT

Official District social media accounts shall be used only for their stated purposes and in a manner consistent with this policy, administrative regulation, and the Lowell Joint School District Core Values. By creating these official sites and allowing for public comment, the Board does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

The Superintendent or designee shall ensure that the limited purpose of the official District social media accounts is clearly communicated to users. Each social media account/site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each social media site shall also contain a statement that users are personally responsible for the content of their posts.

Official District social media accounts may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

Staff or students who post prohibited content shall be subject to discipline in accordance with District policies and administrative regulations. Prohibited content shall be removed at the discretion of the Superintendent or designee. "Staff" includes, but not limited to, all administrative, certificated, classified, temporary, and extra-curricular personnel.

Users of official District social media accounts should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Acts. The Board expects users to conduct themselves in a respectful, courteous, and professional manner.

#### PRIVACY

The Superintendent shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official District social media accounts. Board policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses shall be followed on social media sites. District and School websites shall also apply to official District social media accounts.

## Students

BP 1114 (a)

### Legal Reference:

#### EDUCATION CODE

32261 School safety, definitions of bullying and electronic act  
35182.5 Contracts for advertising  
48900 Grounds for suspension and expulsion  
48907 Exercise of free expression; rules and regulations  
48950 Speech and other communication  
49061 Definitions, directory information  
49073 Release of directory information  
60048 Commercial brand names, contracts or logos

#### GOVERNMENT CODE

3307.5 Publishing identity of public safety officers  
6250-6270 Public Records Act, especially:  
6254.21 Publishing addresses and phone numbers of officials  
6254.24 Definition of public safety official  
54952.2 Brown Act, definition of meeting

#### UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

#### UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

#### UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity  
794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

#### COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275  
Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003  
Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112 Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37  
Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

#### NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 Sears Holdings, December 4, 2009



## Students

AR 1114 (a)

## Social Media

### Definitions

Social Media means any online platform for collaboration, interaction, and active participation, including but not limited to, social networking sites such as Facebook, Instagram, Twitter, YouTube, LinkedIn or blogs.

District policy and guidelines do not apply to personal social media platforms that may be created by students, staff members, or other individuals, which may sometimes include discussions of District-related issues but are not sponsored by the District.

Official District social media platforms are authorized and approved by the Superintendent or designee. All school site social media accounts shall be registered with the Superintendent's Office or designee. The name of the account and the names of the staff members authorized to post to the District or the District's school sites accounts will be listed on the Social Media Permission Form. Changes to staff members authorized to post to the District or the District's school sites accounts will be reported to the District in a timely manner.

Sites that have not been authorized by the Superintendent or designee, but that contain content related to the District such as a site created by a parent-teacher organization, booster club, sports club or other school-connected organization or a student's or employee's personal site, are not considered official District social media platforms, but will also be registered with the District for information only.

### Authorization for Official District Social Media Platforms

The Superintendent or designee shall authorize and approve the development of any official District social media account. Teachers and other staff shall obtain approval from the site Principal before creating a classroom or team social media account.

### Guidelines for Content

The Superintendent or designee shall ensure that official District social media accounts provide current information regarding District programs, activities and operations consistent with the goals and purposes of this policy and regulation. Official District social media accounts shall contain content that is appropriate for all audiences and in alignment with the Lowell Joint School District Core Values.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official District social media accounts.

The Superintendent or designee shall ensure that official District social media accounts are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as a lack of relation to the site's purpose or violation of the District's policy, regulation, or content guidelines, as described in BP 1114.

Each official District social media account shall prominently display the guidelines set forth below:

1. The purpose of the site along with a statement that users are expected to use the site for those intended purposes only.

## Students

AR 1114 (b)

### Social Media (continued)

2. Information on how to use the security settings of the social media platform.
3. A statement that the site is regularly monitored and any inappropriate post will be promptly removed. Inappropriate posts included those that:
  - a. Are obscene, libelous or incite students to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules or disruption of the school's orderly operation.
  - b. Are not related to the stated purpose of the site including but not limited to, comments of a commercial nature, political activity and comments that constitute discrimination or harassment.
4. Protocols for users, including expectations that users will communicate in a respectful, courteous and professional manner.
5. A statement that users are personally responsible for the content of their posts and the District is not responsible for the content of external online platforms.
6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the Lowell Joint School District.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the Lowell Joint School District.
8. Who to contact about violation of Lowell Joint School District guidelines on the use of official District social media accounts.

District employees who participate in official District social media accounts shall adhere to all applicable District policies and procedures, including but not limited to, professional standards related to interactions with students and the Lowell Joint School District Core Values.

When appropriate, employees using official District social media accounts shall identify themselves by name and District title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the Lowell Joint School District or school site.

All Staff shall receive information about appropriate use of the official Lowell Joint School District social media accounts.

## Students

AR 1114 (b)

### Social Media (continued)

#### Legal Reference:

##### EDUCATION CODE

32261 School safety, definitions of bullying and electronic act

35182.5 Contracts for advertising

48900 Grounds for suspension and expulsion

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49061 Definitions, directory information

49073 Release of directory information

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##### GOVERNMENT CODE

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6254.21 Publishing addresses and phone numbers of officials

6254.24 Definition of public safety official

54952.2 Brown Act, definition of meeting

##### UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

##### UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

##### UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity

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

##### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

##### COURT DECISIONS

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

Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

##### NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 Sears Holdings, December 4, 2009

Policy Adopted: October 2, 2023



**Students**

**AR 1114.a**

**Social Media Permission Form**

Social Media means any online platform for collaboration, interaction, and active participation, including but not limited to, social networking sites such as Facebook, Instagram, Twitter, YouTube, LinkedIn or blogs. District Board Policy (BP 1114) and Administrative Regulation (AR 1114) guidelines do not apply to personal social media accounts that are created by students, staff members or other individuals which may sometimes include discussion of District-related issues but are not sponsored by the Lowell Joint School District.

All social media accounts using the Lowell Joint School District's name or any of the District's school site names and logos shall be registered and approved by the Superintendent. The name of the accounts and the name/signature of the staff members authorized to post to the Lowell Joint School District or the District's school sites media accounts will be provided on this form. Any changes to staff members authorized to post to the District or school sites social media accounts will be reported and approved by the District in a timely manner.

Sites created by school-connected organizations such as a parent-teacher organization, booster clubs, sports clubs that have not been authorized by the Superintendent or designee but contain content related to the Lowell Joint School District are not considered official District social media platforms, but will also be registered with the Lowell Joint School District.

All content must follow the guidelines for content identified in the District Administrative Regulation (1114), Social Media and the Lowell Joint School District Core Values.

School/Group Name: \_\_\_\_\_

Social Media Account Name/Platform: \_\_\_\_\_

Name/Position of person posting to account: (PRINT) \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**Signature** indicates knowledge of District Board Policy 1114 and Administrative Regulations 1114 Expectations



## **Community Relations**

### **Board of Trustees' Meetings**

Meetings with the Board of Trustees are conducted for the purpose of accomplishing district business. As a matter of district policy and state law, meetings shall be held in public in order to insure the involvement of interested community members. However, the Board of Trustees is also empowered to conduct closed meeting sessions to discuss certain matters that are confidential and which are permitted by law to be considered in closed session.

The timely dissemination of information to the public before Board of Trustees' meetings is essential for fostering positive community participation. Advance announcements of all regular and special meetings are made by posting the agenda on the bulletin board of each school, the district office and at designated public locations. The agenda will be posted at least seventy-two (72) hours before a regular meeting and twenty-four (24) hours before a special meeting. Under emergency conditions a special meeting may be announced by posting the agenda only. In this event, a concerted effort will be made to notify all interested parties in the community.

Notice will also be given to news media, interested individuals, community organizations and professional groups who specifically request such notice. A reasonable charge may be made to those persons and organizations requesting continued advance announcement and agenda materials.

Any member of the public may place a matter directly related to school district business on the agenda of a regular Board meeting, subject to the following conditions:

1. The request must be submitted, in writing, to the Board of Trustees secretary together with supporting documents and information, if any, at least five (5) school days before the legally required posting of the agenda.
2. The Board of Trustees' secretary shall be the sole judge of whether the request is a "matter directly related to the school district business."
3. No topic which by law is a proper subject for consideration in closed session will be accepted under this provision.
4. The Board of Trustees may place limitations on the total time to be devoted to each topic at any meeting. The Board may also limit the time allowed for any one person to speak on each topic at that meeting.

## **Community Relations**

### **Board of Trustees' Meetings (continued)**

The Board provides for hearing any matter or items that a member of the public may wish to bring directly to the attention of the Board at a regular meeting. Members of the public and Board may address the Board on matters directly related to the jurisdiction of the Board provided that:

1. Such addresses are during the "Communications" section of the agenda.
2. The President (or designee Chairman of the meeting) determines that the matter directly relates to the jurisdiction of the Board.
3. If the President (or designee) determines that the matter may not relate to the jurisdiction of the Board, only agreement by a majority of the Board members present will allow for the matter to be addressed to the Board. The President may exercise reasonable measures to determine if a matter is directly related to the jurisdiction of the Board and set time limits for addresses and presentations.

Action may be taken on an item not appearing on the posted agenda, if 1) by majority vote of the Board, an emergency situation exists such as a work stoppage or disaster; 2) upon a two-thirds vote of the Board, or unanimous vote if less than two-thirds of the members are present; that the need to take the action arose subsequent to the agenda being posted; or 3) the item for action was posted for a prior meeting that occurred not more than five calendars prior to the date of this action and the item had been continued from the previous meeting.

Board meetings shall be conducted in accordance with applicable laws and with Board Bylaws adopted by the Board to govern its action and the actions of individual Board members.

Meetings of the Board of Trustees are conducted for the purpose of accomplishing district business. As a matter of district policy and State law, meetings are ordinarily held in public. The Board may conduct closed meetings/sessions to discuss certain matters that are confidential.

(cf. 9321 closed meetings/sessions)

The Board of Trustees encourages the positive participation of all interested community members. In order to insure the orderly conduct of a meeting, no disturbance or willful interruption shall be permitted. Persistence by an individual or group shall be grounds for the chair to terminate their privilege of address or removal from the buildings.

**Community Relations**

**Board of Trustees' Meetings (continued)**

Legal Reference:

EDUCATION CODE

78 Governing Board defined

35144 Special meetings

35145 Public meetings

35145.5 Agenda; public participation; regulations

35146 Closed sessions

52034 Reasonable opportunities for each school site council or its representative to meet with the Board of Trustees

GOVERNMENT CODE

54950-54957.9 Meetings especially

54951 Local agency, definition

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings; holidays, emergencies

54956 Special meetings; call; notice

54956.5 Special meeting in emergency situation

54957 Closed session

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Commendations and Awards**

Any Board member, employee, parent/guardian, student or community member may submit the name of an individual or organization to the Superintendent or designee for Board recognition.

Persons proposing the recognition of an individual or organization shall also indicate a suggested type of recognition that may include, but is not limited to, the following:

1. Plaques or awards, to be presented at a Board meeting, for providing the district or community with special, unusual or long-term assistance.
2. Board Resolution, to be read at a Board meeting, for distinguished service to children and youth.
3. Certificate of Appreciation for service to the district.
4. Letter of Recognition, to be prepared by the Superintendent or designee on behalf of the Board, for significant achievement and/or service by groups such as the basketball team, choir, band, and parent/guardian/community organizations.
5. An appropriate gift recognizing outstanding contributions to the district.
6. Receptions and other informal recognition activities.

(cf. 4156.2 - Awards and Recognition)  
(cf. 5126 - Awards for Achievement)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Political Processes**

The Board of Trustees Board may actively advocate fiscal and public policy that supports the district's schools and the children in the community. To the extent possible, the Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's philosophy and goals.

(cf. 0000 – Philosophy – Goals and Comprehensive Plans  
(cf. 0200 - Goals for the School District)  
(cf. 9000 - Role of the Board)  
(cf. 9010 - Public Statements)

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on district premises. (Education Code 7055)

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

### **Legislation**

The Board's responsibility as an advocate for the district may include lobbying at the state and national levels.

Because local governments also make decisions which impact the district's schools, the Board and the Superintendent or designee shall work to establish ongoing relationships with city and county officials and agencies, and shall inform them of the potential effect of local issues on the schools.

(cf. 1020 - Youth Services)  
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)  
(cf. 7131 - Relations with Local Agencies)

The Board may identify issues that will affect its schools and the children in its community, establish goals and priorities for legislative advocacy, solicit community input and adopt legislative positions. The Superintendent or designee may establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.

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.

## **Community Relations**

### **Political Processes (continued)**

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

The Board may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its legislative advocacy activities..

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

### **Ballot Measures/Candidates**

The Board may study the potential effect of ballot measures on the district's schools. Any Board discussion of the effect of such measures shall include an opportunity for Board members, staff and members of the public to speak on all sides of the issue. Following such study, the Board may adopt positions in support of or in opposition to ballot measures of importance to education.

(cf. 9323 - Meeting Conduct)

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)

(cf. 1325 - Advertising and Promotion)

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

The Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use district resources to secure signatures in order to qualify the measure for the ballot.

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)

## **Community Relations**

### **Political Processes (continued)**

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

For informational purposes, the Superintendent or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.

### 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 challenge the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

### 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)

(cf. 1330 - Use of School Facilities)

### Legal Reference:

#### EDUCATION CODE

7054 Use of district property

7054.1 Requested appearance

7055 Local rules

7056 Soliciting or receiving political funds

7058 Use of forum

35160 Authority of governing boards

35172 Promotional activities

#### GOVERNMENT CODE

50023 Attending legislature to support or oppose legislation

53060.5 Attendance at legislative body; expenses

54953.5 Right to record proceedings

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Citizen Advisory Committees**

The Board may establish citizen advisory committees to consider school problems and issues as the need arises or when required by law. Such committees shall serve in a strictly advisory capacity; they may make recommendations regarding Board policy, but their actions shall not be binding on the Board. The Board may dissolve any advisory committees not required by law at any time.

Advisory committees should include representation from all affected parties. With Board approval, the Superintendent or designee may appoint committee members.

Within budget allocations, the Superintendent or designee may approve requests for committee travel and may reimburse committee members for expenses at the same rates and under the same conditions as those provided for district employees.

(cf. 3350 - Travel Expenses)

#### Legal Reference:

##### EDUCATION CODE

8070 Vocational education advisory committee  
 11503 Parent involvement program  
 35147 School site councils and advisory committees  
 35172 Promotional activities  
 44032 Travel expense payment  
 44033 Automobile allowances  
 52012 School site council  
 52065 American Indian advisory committee  
 52176 Advisory committees (LEP program)  
 52852 Site council, school-based program coordination  
 54425 Advisory committees; compensatory education  
 54444.1-54444.2 Services to migrant children; parent advisory councils  
 54724 Site council, motivation and maintenance program  
 56190-56194 Community advisory committee, special education  
 62002.5 Continuing parent advisory committees; schools receiving funds from economic impact aid or bilingual education act

##### GOVERNMENT CODE

820.9 Members of local public boards not vicariously liable  
 54950-54963 Meetings

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Community Relations**

### **Citizen Advisory Committees**

#### Committee Charge

Whenever possible, when committees are appointed, committee members may receive a written statement including, but not limited to:

1. The committee members' names and the procedure to be used in the selection of the committee chairperson and other committee officers unless appointed by the Board or designee
2. The specific charges of the committee, including its topic(s) for study or well-defined area(s) of activity
3. The specific period of time that the committee is expected to serve
4. Legal requirements regarding meeting conduct and public notifications
5. Resources available to help the committee complete its tasks
6. Timelines for progress reports and/or final report

Advisory committee members are not vicariously liable for injuries caused by the act or omission of the district. (Government Code 820.9)

#### Committees Subject to Brown Act Requirements

The following citizen advisory committees shall comply with open meeting, notice and public participation requirements of law (the Brown Act):

(cf. 9320 - Meetings and Notices)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)  
(cf. 9323 - Meeting Conduct)

1. Advisory committees established pursuant to Education Code 56190-56194 related to special education
2. Other committees created by formal Board action if subject to the Brown Act as determined by district legal counsel.

(cf. 0430 - Comprehensive Local Plan for Special Education)  
(cf. 9130 - Board Committees)

## **Community Relations**

### **Citizen Advisory Committees (continued)**

#### Committees Not Subject to Brown Act Requirements

The following councils and advisory committees are exempted from the Brown Act and must conform with procedural meeting requirements established in Education Code 35147:

1. School site councils established pursuant to Education Code 52012, 52852 or 54724 related to school improvement, school-based program coordination or school-based student motivation and maintenance programs

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

2. Any advisory committee established pursuant to Education Code 52065 related to American Indian early childhood education

3. Any advisory committee established pursuant to Education Code 52176 related to programs for students of limited English proficiency

(cf. 6174 - Education for English Language Learners)

4. Any advisory committee established pursuant to Education Code 54425 related to compensatory education

(cf. 6171 - Title I Programs)

5. Any advisory committee established pursuant to Education Code 54444.2 related to migrant education programs

(cf. 6175 - Migrant Education Program)

6. Parent advisory committees established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education

7. Committees established pursuant to Education Code 11503 related to parent involvement

(cf. 6020 - Parent Involvement)

## **Community Relations**

### **Citizen Advisory Committees (continued)**

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 jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location 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 not listed on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the group'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)

Councils or committees violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request. (Education Code 35147)

(cf. 1340 - Access to District Records)

The Superintendent or designee may create citizen advisory committees to advise the administration; such committees do not report to the Board and are not subject to open meeting laws.

(cf. 2230 - Representative and Deliberative Groups)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Community Relations**

### **School-Connected Organizations**

The Board of Trustees recognizes that parents/guardians may wish to organize clubs for the purpose of supporting the educational program and/or extracurricular programs. Parent/guardian clubs shall be especially careful not to seek advantages for the activities they support if those advantages might be detrimental to the entire school program.

The Board recognizes that these organizations are independent of the school or district. In order to protect the district and students, the Superintendent or designee shall establish appropriate controls for the relationship between such organizations and the district.

(cf. 1321 - Solicitation of Funds)

(cf. 3290 - Gifts, Grants and Bequests)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

38131 Use of civic center by public

38134 Groups which may use school facilities without charge

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **School-Connected Organizations**

Any program, fund-raiser or other activity sponsored by parent/guardian clubs shall be authorized and conducted according to Board policy, administrative regulations and school rules. Announcements of events and related parent/guardian permission slips shall clearly indicate that the activity or event is sponsored by the parent/guardian organization, not by the school or district when appropriate.

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

Parent/guardian clubs should not hire district employees without prior approval from the Superintendent or designee.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Community Relations**

### **Volunteer Assistance**

The Board of Trustees Board may utilize parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools may be used to enrich the educational program, enhance supervision of students and contribute to school safety. The Board may also utilize community members to serve as mentors to students.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

(cf. 6171 - Title I Programs)

The Superintendent or designee may develop and implement a plan for recruiting, screening and placing volunteers. He/she may also recruit community members to serve as mentors and/or make appropriate referrals to community organizations.

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

The Superintendent or designee may establish procedures to protect the safety of students and adults. These procedures may include laws related to tuberculosis testing and may also include laws related to criminal record checks.

Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

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

(cf. 3515.2 - Disruptions)

The Board nevertheless may utilize volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads and comply with employee commitments and contracts.

**Community Relations**

**Volunteer Assistance (continued)**

Legal Reference:

EDUCATION CODE

35021 Volunteer aides

44010 Sex offense; definition

44814-44815 Supervision of students during lunch and other nutrition periods

45340-45349 Instructional aides

45360-45367 Teacher aides

49406 Examination for tuberculosis

LABOR CODE

3364.5 Persons performing voluntary services for school districts

PENAL CODE

290 Registration of sex offenders

290.4 Information re sex offenders

UNITED STATES CODE, TITLE 20

6319 Qualifications and duties of paraprofessionals, Title I programs

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Volunteer Assistance**

#### Duties of Volunteers

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

(cf. 4222 - Teacher Aides/Paraprofessionals)

Volunteers may supervise students during lunch and/or breakfast periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work that assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may work on short-term facilities projects pursuant to Governing Board policy and administrative regulation.

#### Qualifications of Volunteers

A person who is required to register as a sex offender pursuant to Penal Code 290 shall not serve as a volunteer instructional aide or as a volunteer nonteaching aide under the direct supervision of a certificated employee. (Education Code 35021)

The Superintendent or designee shall verify by reasonable means that persons serving as volunteer instructional aides and nonteaching volunteer aides are not required to register as a sex offender pursuant to Penal Code 290.

(cf. 3515.5 - Sex Offender Notification)

No volunteer shall be assigned to provide supervision or instruction of students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who skin test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)



## **Community Relations**

### **Visitors to the Schools**

The Board of Trustees encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure minimum interruption of the instructional program, the Superintendent shall establish Administrative Regulations that facilitate visits during regular school days. Visits during school hours must first be arranged with the teacher and principal or designee. All visitations, the duration of time and the time of day shall be subject to the approval of the principal or designee. If a conference is desired, an appointment should be set with the teacher during non-instructional time.

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

(cf. 3515.2 - Disruptions)

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises.

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

(cf. 5144 - Discipline)

#### **Legal Reference:**

##### **EDUCATION CODE**

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

51512 Prohibited use of electronic listening or recording device

##### **EVIDENCE CODE**

1070 Refusal to disclose news source

**Community Relations**

**Visitors to the Schools (continued)**

PENAL CODE

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

Policy Adopted: March 23, 1987

Policy Revised: February 7, 2005; September 26, 2005;

## **Community Relations**

### **I. Visitors to the Schools**

The Superintendent or designee may post at every entrance to each school and school grounds a notice setting forth visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements.

The principal or designee may refuse to register any visitor whose acts or presence he/she judges would disrupt normal school operations, threaten the health and safety of students or staff or cause property damage.

The principal or designee may request any visitor to promptly leave school grounds. When any visitor is directed to leave, the principal or designee shall inform the outsider that if he/she reenters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Possession of unauthorized dangerous instruments, weapons or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property, or any other place where a teacher and student(s) are required to be in connection with assigned school activities.

Under certain circumstances, unless otherwise directed by the principal or designee, a staff member may be required to accompany visitors while they are on school grounds.

### **II. Classroom Observations**

#### **A. Scheduling a Classroom/Student Observation**

When a parent wishes to observe the classroom or classrooms in which their child is enrolled or when the parent wishes a non-district employee to observe the classroom or classrooms in which their child is enrolled:

- The parent shall make a request for observation to the school principal.
- The observation will be scheduled within one week of the date the parent or guardian makes the request to observe the classroom or classrooms in which their child is enrolled.

## **Community Relations**

### **Classroom Observations (Continued)**

- The date and time of the observation
- Shall be mutually convenient for parent/guardian and school district
- The parent shall receive confirmation of the scheduled observation

#### **B. Parameters of the Observation**

The observation of classroom(s) by parent or guardian:

- Shall be scheduled in advance (see above).
- Shall be limited to 20 minutes.
- May include a school administrator who is able to answer programmatic questions and give feedback to the parents.
- Shall not in any way disrupt the instruction and learning of the students.

Regulation Approved: March 23, 1987

Regulation Revised: February 7, 2005; September 26, 2005;

## **Community Relations**

### **Educational Foundation**

The Board of Trustees recognizes that members of the community are often willing to make voluntary contributions that will provide needed additional funds for the school district. The Board may approve the creation of an independent educational foundation to actively raise funds that will enhance educational opportunities for our students.

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

(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 9140 - Board Representatives)

With the consent of the Superintendent of designee, the educational foundation, as appropriate, may use the District's name, a school's name, a school team's name, or any logo attributable to a school or the district. The Board supports foundation allocations that serve all district schools equitably, whenever possible.

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

#### Legal Reference:

##### **COURT DECISIONS**

Serrano v. Priest 1976, 18 Cal. 3d 728

##### **EDUCATION CODE**

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

##### **BUSINESS AND PROFESSIONS CODE**

12580-12599.7 Fundraisers for Charitable Purposes Act

17510-17510.95 Solicitations for charitable purposes

25608 Alcohol on school property; use in connection with instruction

**Community Relations**

**Educational Foundation (Continued)**

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

Management Resources:

WEB SITES

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

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

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; November 13, 2007

## **Community Relations**

### **Civility**

Members of Lowell Joint School District staff will treat parents and other members of the public with respect and expect the same in return. The District is committed to maintaining orderly educational and administrative processes by keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school/district grounds.

This policy promotes mutual respect, civility and orderly conduct among District employees, parents and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our pupils and staff. In the interest of presenting District employees as positive role models to the children of this District, as well as the community, the Lowell Joint School District encourages positive communication, and discourages volatile, hostile or aggressive actions. The District seeks public cooperation with this endeavor.

### **Disruptions**

1. Any individual who disrupts or threatens to disrupt school office operations; threatens the health and safety of pupils or staff, willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on school district property, will be directed to leave school or school district property promptly by the Superintendent or designee.

2. If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the District employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on District premises, the offending person will be directed to leave promptly.

3. When an individual is directed to leave under such Paragraph 1 or 2 circumstances, the Superintendent or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 626.7, if he/she reenters any district facility after being directed to leave. Restrictions on re-entry are specifically addressed in the above-referenced codes. If an individual refuses to leave upon request or returns before the applicable period of time, the Superintendent or designee may notify law enforcement officials.

(cf. 5146 - Campus Disturbance)

(cf. 9323 Meeting Conduct)

## **Community Relations**

### **Civility**

#### Documentation

When it is determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to provide a written copy of this policy, including applicable code provisions, at the time of occurrence.

#### Legal Reference:

##### EDUCATION CODE

32210 Disturbing School

44014 Assault on Personnel

44810 Person on School Grounds

44811 Insults and Abuses

##### PENAL CODE

243.5 Arrest on School Grounds

415.5 Fighting on School Ground

626.8 Entry of School by Person Not on Lawful Business

627.7 Refusal to Leave School Grounds

Policy Adopted: June 29, 2015



## **Community Relations**

### **Complaints Concerning the Schools**

The Governing Board believes that the quality of the educational program can improve when the District listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Governing Board encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate District procedures. District procedures shall be readily accessible to the public.

Individual Governing Board members do not have authority to resolve complaints. If approached directly with a complaint, however, Governing Board members should listen to the complaint and show their concern by referring the complainant to the Superintendent so that the problem may receive proper consideration.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [3320](#) - Claims and Actions Against the District)

Legal Reference:

EDUCATION CODE

[35146](#) Closed sessions

GOVERNMENT CODE

[950-950.8](#) Actions against public employees

[54957-54957.8](#) Closed sessions

CODE OF REGULATIONS, TITLE 5

[3080](#) Application of section 4600-4671

[4600-4671](#) Uniform complaint procedures

Policy Adopted: March 23, 1987

## **Community Relations**

### **Complaints Concerning District Employees**

The Board of Trustees accepts responsibility for providing a means by which the public can file complaints concerning district employees. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

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

(cf. 1312.2 - Complaints Concerning Instructional Material)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless there is a concern for student welfare and/or there is a possible violation of ethical or legal behavior.

Verbal complaints against an employee initially made to a Board member or at a Board meeting will be referred to the Superintendent for appropriate consideration and action according to administrative regulations.

When public complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after the child abuse reporting requirements specified in law have been completed.

#### **Legal Reference:**

##### **EDUCATION CODE**

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

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

48987 Child abuse guidelines

##### **GOVERNMENT CODE**

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

**Community Relations**

**Complaints Concerning District Employees (continued)**

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Complaints Concerning District Employees**

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 4144/4244/4344 - Complaints)

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

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted to the principal or immediate supervisor. Complaints related to a principal or central office administrator shall be initially filed with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed with the Board.
4. When a written complaint is received, the employee shall be notified as soon as possible or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved as expeditiously as possible.

**Community Relations**

**Complaints Concerning District Employees (continued)**

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a report concerning the complaint, including but not limited to:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

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

(cf. 5141.4 - Child Abuse Reporting Procedures)

Regulation Approved: March 23, 1987      Regulation Revised: September 26, 2005;

## **Community Relations**

### **Complaints Concerning Instructional Materials**

The Board of Trustees takes great care in the adoption of instructional materials and is aware that all adopted materials may not be acceptable to all students, their parents/guardians or other district residents.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)

The Superintendent or designee shall establish procedures which will permit proper consideration of any complaints against the use of any instructional materials, including textbooks, supplementary textbooks, library books, and other instructional materials and equipment.

The Board believes the Superintendent and staff are well qualified to consider complaints concerning instructional materials. Complainants are advised to consider and accept the Superintendent or designee's decision as final. However, if the complainant finds the decision of the Superintendent or designee unsatisfactory, he/she may request that the matter be placed on the agenda of a regular Board meeting.

(cf. 1312.3 - Uniform Complaint Procedures)

The Board's decision in most cases will be based on its philosophy and goals whenever possible.

(cf. 6144 - Controversial Issues)

Legal Reference:

EDUCATION CODE

18111 Exclusion of books by governing board

35010 Control of district; prescription and enforcement of rules

60000 Power of governing board to select instructional materials

60040-60047 Content requirements for instructional materials

60200-60206 Elementary school material - selection and adoption

60400 Secondary school textbooks - selection and adoption

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Complaints Concerning Instructional Materials**

Complaints concerning instructional materials will be accepted only from staff, district residents, or the parents/guardians of children enrolled in a district school.

Complaints must be presented in writing to the principal. Complaints regarding printed material must name the author, title and publisher, and identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a proper reply will be possible.

Individual students may be excused from using challenged materials after the parent/guardian has presented a written complaint. The teacher will then assign the student alternate materials of equal merit. Use of the materials by a class, school or the district, however, shall not be restricted until so directed by the Superintendent/designee.

Upon receiving a complaint, the principal will acknowledge its receipt and answer any questions regarding procedure. The principal will then notify the Superintendent or designee and the teacher(s) involved of the complaint. The Superintendent or designee will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened. The Superintendent should make the Board aware if there are complaints regarding instructional materials.

The use of challenged materials by class, school or district shall not be restricted until final disposition has been made by the Superintendent.

A review committee may be formed under the direction of the Superintendent or designee. It may be composed of the principal and five or more staff members selected by the Superintendent or designee from relevant administrative and instructional areas.

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

The Superintendent and/or review committee shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

If a review committee is convened, it shall summarize its findings in a written report and submit it to the Superintendent or designee for final action. The Superintendent or designee shall notify the complainant of his/her decision as soon as possible.

**Community Relations**

**Complaints Concerning Instructional Materials (continued)**

The report of the review committee together with the Superintendent or designee's recommendation may be brought to the Board for consideration and final decision.

When any challenged instructional material is reviewed by the district, it shall not be subject to any additional reconsideration for 12 months.

**COUNTY OR STATE-ADOPTED MATERIAL**

If the challenged material has been adopted by the County Board of Education, the Superintendent or designee may forward the complaint, without action, to the office of the County Superintendent of Schools for reevaluation and decision.

If the questioned material has been adopted by the State of California, the Superintendent or designee may forward the complaint, without action, to the California Department of Education for reevaluation and decision.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;



**Community Relations**

**Complaints Concerning Instructional Materials**

REQUEST FOR RECONSIDERATION OF  
INSTRUCTIONAL MATERIALS

DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

AUTHOR: \_\_\_\_\_

PUBLISHER: \_\_\_\_\_

DATE OF EDITION: \_\_\_\_\_

REQUEST RECEIVED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Complainant Represents:

Himself/Herself: \_\_\_\_\_

Organization or Group: \_\_\_\_\_

1. To what do you object? (Please be specific: cite pages, tape sequence, video frame, and words)
2. What do you feel would be the result of reading/viewing this material?
3. Did you read/view the entire selection?
4. If not, what percentage did you read/view, or what parts?

**Community Relations**

**Complaints Concerning Instructional Materials (continued)**

5. What would you like the school to do about this material?  
\* Do not assign it to my child.  
\* Withdraw it from all students.  
\* Re-evaluate it.
6. If you are a parent, please indicate the name of your student, grade level, teacher and school.  
Student \_\_\_\_\_ Grade Level \_\_\_\_\_  
Teacher \_\_\_\_\_ School \_\_\_\_\_

Signature of complainant \_\_\_\_\_

Action taken: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit Approved: March 23, 1987  
Exhibit Revised: September 26, 2005;

**Uniform Complaint Procedures**

The Board of Trustees recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints at the site level whenever possible and shall seek to resolve those complaints in accordance with the District's uniform complaint procedures.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

- (cf. 3553 - Free and Reduced Price Meals)
- (cf. 3555 - Nutrition Program Compliance)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5148 - Child Care and Development)
- (cf. 6159 - Individualized Education Program)
- (cf. 6171 - Title I Programs)
- (cf. 6174 - Education for English Language Learners)
- (cf. 6175 - Migrant Education Program)
- (cf. 6178 - Career Technical Education)
- (cf. 6178.1 - Work-Based Learning)
- (cf. 6178.2 - Regional Occupational Center/Program)
- (cf. 6200 - Adult Education)

2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)
- (cf. 5145.3 - Nondiscrimination/Harassment)

**Uniform Complaint Procedures**

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics

(cf. 5131.2 - Bullying)

4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions against the District)

5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

The Board acknowledges and respects student and employee rights to privacy. In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. This includes keeping the identity of the complainant alleging discrimination, harassment, intimidation, and bullying remain confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

**Uniform Complaint Procedures**

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

**Non-UCP Complaints**

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the UCP process set forth in this policy unless these procedures are made applicable by separate interagency agreements: (5 CCR 4611)

1. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division, or appropriate law enforcement agency.
2. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) and the compliance officer shall notify the complainant by first class mail of the transfer.
3. Allegations of fraud shall be referred to the Legal, Audits, and Compliance Branch in the California Department of Education (CDE).
4. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

**Uniform Complaint Procedures**

Filing a Complaint with the District Except for Williams

Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with the district superintendent of his/her designee alleging a matter which, if true, would constitute a violation by the District of federal or state law or regulation governing a program (Education Code 35186).

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52060-52077 Local control and accountability plan, especially

52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52490 Career technical education

52800-52870 School-based coordinated programs

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

Government Code [GC] Section 11135

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

**Uniform Complaint Procedures**

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
UNITED STATES CODE, TITLE 20  
1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 Nondiscrimination on basis of disability; complaints  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age  
Management Resources:  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS  
PUBLICATIONS  
Questions and Answers on Title IX and Sexual Violence, April 2014  
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
Dear Colleague Letter: Sexual Violence, April 2011  
Dear Colleague Letter: Harassment and Bullying, October 2010  
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office for Civil Rights:

**Community Relations**

BP 1312.3 (f)

**Uniform Complaint Procedures**

<http://www.ed.gov/about/offices/list/ocr>

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; June 18, 2012; October 15, 2012; February 4, 2013;  
March 9, 2015



## Community Relations

### Williams Uniform Complaint Procedures

The District shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Textbooks and Instructional materials
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or State- or District-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher vacancy or misassignment
  - a. A semester begins and a certificated teacher is not assigned to teach the class. *Vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126) Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR 4600)
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English-learner students in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency. *Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186)

## **Community Relations**

### **Williams Uniform Complaint Procedures (continued)**

#### 3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff members. *Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of students or staff members while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff members; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

#### **Filing of Complaint**

A complaint alleging any condition(s) specified above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed ten working days. (Education Code 35186)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Board of Trustees at a regularly scheduled hearing. (Education Code 36186)

## **Community Relations**

### **Williams Uniform Complaint Procedures (continued)**

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

### **Reports**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Board of Trustees and the County Superintendent of Schools. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board of Trustees meeting. (Education Code 35186)

### **Forms and Notices**

The Superintendent or designee shall ensure that the District's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

#### EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Alternative uniform complaint procedure

60119 Hearing on sufficiency of instructional materials

#### CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures

Regulation Approved: December 6, 2004

Regulation Revised: September 26, 2005; August 2, 2006

**Community Relations**

**Williams Uniform Complaint Procedures**

**NOTICE TO PARENTS/GUARDIANS  
COMPLAINT RIGHTS**

Parents/Guardians

Education Code 35286 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments. "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the school year for the entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for the entire semester.
4. To file a complaint regarding any of the above matters, complaint forms can be obtained at the principal's office or the District office, or can be downloaded from the District's or California Department of Education's Web site.

If you do not think these requirements are being met, you can obtain a Uniform Complaint Form in the Principal's Office.

Education Code Section 35186

**Community Relations**

**Williams Uniform Complaint Procedures (continued)**

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Location of the Problem that is the subject of this complaint:

School: \_\_\_\_\_

Course or Grade and Teacher Name: \_\_\_\_\_

Room Number or Name of Room: \_\_\_\_\_

Date Problem was Observed: \_\_\_\_\_

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate District complaint procedure.

Specific issue(s) of the complaint: Please check all that apply:

1. Textbooks and instructional materials:

- A student, including an English learner, does not have standards-aligned textbooks or instructional materials or State-adopted or District-adopted textbooks or other required instructional materials to use in class.
- A student does not have access to instructional materials to use at home or after school.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

**Community Relations**

**Williams Uniform Complaint Procedures (continued)**

- 2. Teacher vacancy or misassignment:
  - Teacher vacancy – A semester begins and a teacher is not assigned to teach the class.
  - Teacher missassignment – A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class.
  - Teacher missassignment – A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- 3. Facility conditions:
  - A condition exists that poses an emergency urgent or threat to the health or safety of students or staff as defined in AR 1312.4.

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation:

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Complaint form must be filed with the Principal of the school named in the complaint.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

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(Signature) (Date)

## **Community Relations**

### **Gifts to School Personnel**

The Board of Trustees believes that feelings of appreciation can be expressed in many ways. The Board discourages students and parents/guardians from giving gifts to staff members, and instead encourages them to write personal notes of appreciation. When accepting gifts, staff should be sensitive to the feelings of other students and use discretion when opening the gifts in front of others.

#### Gifts from Vendors

District employees shall not accept any gift, commission or gratuity from individuals or companies doing business with the district. The district may reject bids from vendors who offer such incentives.

#### Legal References

##### EDUCATION CODE

60071 Bribery of school official by publisher or manufacturer

60072 Acceptance of bribe by school official

60073 Penalties for violation of article

60074 Supplying sample copies

60075 Receiving sample copies

60076 Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Community Relations**

### **Solicitation Of Funds From And By Students, School Photographs, Distribution of Materials by School Personnel**

#### Solicitation of Funds

The Board of Trustees recognizes that student participation in fund-raising activities for the schools can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

(cf. 1325 - Advertising and Promotion)  
(cf. 4135/4235/4335 - Soliciting and Selling)  
(cf. 5022 - Student and Family Privacy Rights)  
(cf. 6142.4 - Learning through Community Service)

When solicitations are made on behalf of the school, students shall not be barred from an event or activity because they did not participate in fund-raising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system. Staff is expected to emphasize the fact that donations are always voluntary.

The Superintendent, Principal or designee shall make every effort to see that parents/guardians are informed of the purpose of fund-raisers.

#### Solicitations on Behalf of the School

With the prior approval of the Superintendent, Principal or designee, official school-related organizations may organize fund-raising events involving students.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1230 - School-Connected Organizations)  
(cf. 1260 - Educational Foundation)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 3554 - Other Food Sales)

Upon request, after the fund-raiser has been held, parents/guardians may be informed how much money was raised and how it was spent.

#### Commercial/Philanthropic Collections

The Lowell Joint School District and its employees shall not act as agents for commercial and philanthropic organizations. Exceptions to this rule will be permitted only by action of the Board or Superintendent/designee.



## **Community Relations**

### **Solicitation Of Funds From And By Students, School Photographs, Distribution of Materials by School Personnel (continued)**

#### School Photographs

The Superintendent may appoint one or more photographic companies annually to photograph children attending the Lowell Joint School District schools, in order that miniature likenesses may be attached to the children's cumulative record folders.

#### Classroom Interference

It is the purpose of this policy to minimize classroom interference with the instructional programs throughout the district.

For purposes of this policy, classroom interference is defined as any activity that would interrupt the normal instructional program and which would make it necessary for the teacher to act as a clerk, bookkeeper or collector of funds for any outside agency other than PTA, with the exception of those activities specifically permitted by the Board of Trustees or the Superintendent.

#### Student Distribution of Printed Materials

Distribution of the following printed materials may be made to parents through children in the schools upon approval of the Superintendent or his delegate:

1. Materials from the Parent-Teacher Association
2. Materials from school councils and other organizations that function as a semi-official body of the school district.
3. Materials pertaining from youth character-building organizations.
4. Materials pertaining to activities of the Lowell Joint School District community and related agencies.
5. Materials informing parents concerning cultural activities where such activities are on a non-profit basis, non-profit being defined as: all proceeds derived from the activity must be used for the direct welfare of the children of the Lowell Joint School District.

**Community Relations**

**Solicitation Of Funds From And By Students, School Photographs, Distribution of Materials by School Personnel (continued)**

6. Such other material as the Board or District Administration may consider and approve from time to time.

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

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

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Charitable solicitations

PENAL CODE

319-329 Raffles

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Community Relations**

### **Solicitation Of Funds From And By Students**

The Superintendent, Principal or designee shall approve all fund-raising activities before the activity. If the event involves a contract with a commercial vendor, the Superintendent, Principal or designee shall review the contract.

In order to minimize interruptions to the educational program, staff shall limit fund-raising activities to appropriate time periods designated by the principal or designee..

(cf. 6116 - Classroom Interruptions)

No student shall be required to raise a specified amount of money in order to participate in an activity sponsored by a school-related organization.

(cf. 1230 - School-Connected Organizations)

Students engaged in fund-raising activities on behalf of the school or for school-related projects are expected to be courteous and respectful towards all individuals and businesses.

#### **Door-to-Door Sales**

Students under 16 years old may engage in door-to-door sales of newspaper or magazine subscriptions, candy, cookies, flowers or other merchandise under the following recommended conditions:

1. The students shall work in pairs, as a team, on the same or opposite side of the street. (8 CCR 11706)
2. The students shall be supervised by an adult. (8 CCR 11706)
3. The students must be within the sight or sound of their adult supervisor at all times. (8 CCR 11706)
4. The students shall be returned to their respective homes or meeting places after each day's work unless otherwise stipulated by their parent/guardian. (8 CCR 11706)
5. The students shall not engage in door-to-door sales after dark without adult supervision.

**Community Relations**

**Solicitation Of Funds From And By Students**

6. The students shall not work outside of their immediate neighborhood unless accompanied by a parent/guardian or adult supervisor..
7. Students in grades K-3 shall not be involved in any door-to-door sales or solicitations unless accompanied by their parent/guardian..

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005

## **Community Relations**

### **Advertising And Promotion**

#### Public Information Materials

To cooperate in publicizing community services, special events and public meetings of interest to students and parents, the Superintendent or designee may approve the distribution of printed materials prepared by governmental agencies or service organizations that extend the community's cultural, recreational, artistic or educational opportunities.

Materials to be distributed shall not include:

1. Any material that is obscene, libelous or slanderous, or that incites students to commit unlawful acts, violate school rules or disrupt the school's orderly operation.
2. Any material that attacks or denigrates any group on account of sex, race, color, religion, ancestry, national origin, handicap or disadvantage.
3. Any material that promotes a particular religious belief or any religious tract material.

All informational materials to be distributed shall bear the name and contact location of the sponsoring group.

#### Commercial Advertising

Advertising of commercial products or services may be distributed in district schools only when prior approval has been granted by the Superintendent.

District schools shall not distribute unsolicited merchandise for which an ensuing payment is requested.

#### Use of Students

Public information materials approved by the Superintendent or designee may be disseminated by students on a voluntary basis. All surveys or questionnaires requiring student or parent/guardian response must be approved by the Superintendent or designee prior to dissemination. Students shall not be asked to distribute commercial advertising.

**Community Relations**

**Advertising And Promotion (continued)**

- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (cf. 5145.2 - Freedom of Speech/Expression)
- (cf. 6145.5 - Student Organizations and Equal Access)
- (cf. 6162.8 - Research)
- (cf. 1160 - Political Processes)
- (cf. 1330 - Use of School Facilities)
- (cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Legal Reference:

EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Community Relations**

### **Use Of School Facilities**

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

(cf. 6145.5 - Student Organizations and Equal Access)

All school-related activities (clubs, class events etc.) shall be given priority in the use of facilities under the Civic Center Act.

The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that: (Education Code 38133)

1. Encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds and protect school facilities, designating 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 school work.

The Board authorizes the use of school facilities without charge by nonprofit organizations, clubs or associations organized to promote youth and school activities. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

The Board shall also grant the use of school facilities without charge to school-related organizations whose activities are directly related to or for the benefit of district schools (PTA, booster, school foundation or student based groups.) Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs, including a non-refundable processing fee.

The Board of Trustees reserves the right to cancel any application upon one week's notice to any organization when the facilities of the school will be needed for the use of school activities or the Parent-Teachers Association

## **Community Relations**

### **Use Of School Facilities (continued)**

To prevent conflicts between groups wishing to use the same facilities at the same time, the following priority system is established and the Superintendent or person designated by him is authorized to make final determination.

- a. Activities and programs of the school directly related to the instructional program and educational offerings of the school.
- b. Events and activities that are designed to serve the youth and citizens of the individual school community.
- c. Groups whose primary purpose is service to youth, i.e., YMCA, YWCA, Boy Scouts, Girl Scouts, Camp Fire Girls, etc.
- d. Civic and service groups whose interest is to improve the general welfare of the community and where no admission is charged.
- e. First priority will be given to those groups in categories, a, b and c that involve 15 or more persons.

The Board of Trustees shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board of Trustees shall cooperate with these agencies in furnishing and maintaining such services as the Board of Trustees may deem necessary to meet the needs of the community.

In accordance with the provisions of the Education Code of the State of California, Civic Centers are established at each school within the district and at the Board Room in the District Administration Office.

The use of school facilities shall not be granted in such a manner as to constitute a monopoly of said facilities for the benefit of any single person or organization. Except in the case of long-term leases, the privilege of using school facilities shall not be granted for a period exceeding one school year. The Board may renew or revoke this privilege at any time.

It shall be the policy of the Board of Trustees that any school facilities may be used without charge, except labor costs, as a polling place for any national, state, county, district and/or city election.



## **Community Relations**

### **Use Of School Facilities (continued)**

The Board of Trustees may grant use of school facilities to church or religious organizations for religious services for temporary periods where no suitable meeting place can be found. The Board shall charge an amount sufficient to pay cost of supplies utilities and salaries of employees necessitated by such use of school property.

Possession, distribution or use of alcoholic beverages on school premises is prohibited.

Use of profane language, quarreling or fighting, betting and/or other forms of gambling shall constitute sufficient cause for revocation of any future privileges concerning the use of school facilities. It shall be the responsibility of the Superintendent to call to the attention of the Board such violations so that the Board may take suitable action against the offending organization.

A copy of the Board's policy and regulations governing use of school facilities shall be issued to those persons or groups requesting use of district facilities or grounds.

#### Legal Reference:

##### EDUCATION CODE

10900-10914.5 Community Recreation Programs

32282 School safety plan

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

##### BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on public school facilities

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; June 18, 2013

**Community Relations**

**Use Of School Facilities**

Payment for Use of Facilities

- A. No charge will be made for use of facilities that fall clearly under the provisions of the Education Code 40040-40047.
- B. A non-refundable processing fee.
- C. A scale of fees is adopted for non-civic center uses.
  - 1. Auditorium or Cafeteria \$50 for each time used, if used for projects other than those included in the Civic Center Act
  - 2. Parking Lot. \$10 per day (\$3 p/day regular users) plus custodial salaries
  - 3. Use of Kitchen \$5.00 per day plus cafeteria employee salary
  - 4. Grounds \$20.00 per day plus cafeteria employee salary
  - 5. Custodial Services \$8.00 per hour
  - 6. Cafeteria Employees \$6.00 per hour

Definition of Use (As defined by Ed. Code of State of California and the Los Angeles County Counsel)	PTA, YMCA, YWCA, Boy Scouts, Girl Scouts, Camp Fire Girls, Etc. (reg. scheduled mtgs.)	Organizations, Clubs, Assn. Or Groups organized for general charter or welfare purposes	Other Groups
No admission fees are charged and no contributions solicited.	No charge (when personnel regularly assigned to facility)	May Charge	May Charge
Admission fees are charged or contributions solicited and there are no net receipts or net receipts are expended for either the welfare of the pupils or the district or for charitable purposes.	May Charge	May Charge	May Charge
Admission fees charged, contributions solicited and net membership dues collected or the net receipts are <u>not</u> expended for either the welfare or the pupils of the District or for charitable purposes, or the receipts are not used solely for support of the group or the advancement of character building or welfare of the group	Must Charge	Must Charge	Must Charge

Religious or Sectarian Use MUST CHARGE

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Commercial Use PROHIBITED

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**Community Relations**

**Use of Facilities (continued)**

Organizations, clubs, associations or groups for which NO CHARGE is indicated shall be allowed free use of established civic centers, not to exceed three hours per meeting, during regular working hours of assigned custodians, except that on all Saturdays and Sundays and on all legal and local holidays and vacation periods or hours in excess of regularly assigned hours, charges shall be made for custodial services in accordance with the Table of Charges. (FREE USE IS LIMITED TO A MEETING PLACE, P.A. SYSTEM, LIGHTS AND ONE CUSTODIAN FOR THREE HOURS PER MEETING).

**Community Relations**

**Use Of School Facilities (continued)**

General Provisions

- A. District-owned audio-visual equipment may be used by groups on the school premises provided the equipment is operated by an employee of the district or by a person approved and checked out by the principal of the school. Application for use of such equipment must be made at the time of the original application for building use.
- B. Organizations meeting regularly at scheduled times throughout the year in the same location may make one application to cover the entire school year. Meeting dates must be specified.
- C. Use shall not be inconsistent with the intended purposes of the buildings and grounds. (Ed. Code 40041)
- D. Civic Center activities shall not interfere with the conduct of regular school activities.
- E. No use shall be granted to any individual, society, group, or organization whose acts or purposes would establish or overthrow the government of the States, or the United States, by any unlawful means.
- F. Classrooms will be used only under the following conditions:
  - 1. Other facilities, i.e., auditorium, multipurpose rooms, are not available for use by the groups.
  - 2. The principal involved concurs on classroom availability.
  - 3. Use of classrooms shall in no way interfere with the educational program being carried on in the classroom. Permission to use specific classrooms may be revoked or cancelled by the building principal with the approval of the Superintendent.
  - 4. Arrangements for classroom use shall be made at least one week prior to the actual use and application shall be made for this use at the District Administration Office.

**Community Relations**

**Use Of School Facilities (continued)**

General Provisions (continued)

5. Specific use time will be established and strictly observed by the group.
6. When possible, groups of children using classroom facilities will be assigned to rooms used by their age levels during the school day.
7. Classrooms will be used only after the majority of the pupils controlled in the school have been dismissed.
8. The building principal may designate certain toilet room facilities and play areas to be used by the groups.

**Community Relations  
Use of School Facilities (continued)**

LOWELL JOINT SCHOOL DISTRICT  
USE OF PROPERTY UNDER CIVIC CENTER ACT

Section 40045 of the Education Code requires that “the governing board shall require the making and delivery to such governing board by such applicant of a written statement of information in the following form.”

STATEMENT OF INFORMATION

“The undersigned states that, to the best of his or her knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence or other unlawful means:

“That \_\_\_\_\_, the organization on whose behalf he or she is making application for use of school property does not, to the best of his or her knowledge, advocate the overthrow of the Government of the United States or the State of California by force, violence or other unlawful means, and that, to the best of his or her knowledge it is not a communist-action organization or communist-front organization required by law to be registered with the Attorney General of the United States. This statement is made under the penalties of perjury,”

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Signature (see next paragraph)

“Any person applying for the use of school property on behalf of any society, group or organization shall be a member of such applicant group and, unless he or she is an officer of the group, must present written authorization from such applicant group to make the application.”

“The school board may require the furnishing of such additional information as it deems necessary to make the determination that the use of school property for which application is made would not violate Section 40044 of the Education Code.”

Section 40046 of the Education Code reads:

“Written statements of information as required by Section 40045 need not be under oath, but shall contain a written declaration that they are made under the penalties of perjury, and any person so signing such statement who willfully states therein as true any material matter which he knows to be false, is subject to the penalties prescribed for perjury in the Penal Code of this State.”

## **Community Relations**

### **Use of School Facilities (continued)**

To protect the district's property, insure the physical well-being of those using the facilities and respect the rights of those residents in close proximity of the school grounds, the following activities shall be prohibited:

1. Bicycle riding.
2. Skating and skateboard riding.
3. Playing tackle football.
4. Playing golf.
5. Climbing on buildings, fences or other facilities not built for climbing.
6. Carrying knives or sharp instruments
7. Firearms, including pellet guns, BB guns or sling-shots.
8. Operating go-carts, mini-bikes, motor scooters and power models of all types.
9. Riding horseback.
10. Playing hardball unless under the direct supervision of an organized baseball team.
11. Walking of dogs, whether on leash or running loose.

**Community Relations**

**Use of School Facilities (continued)**

Procedures for Use of Facilities

1. If free use is granted as provided in the Civic Center Act, the meeting shall be non-exclusive and open to the public.
2. School facilities shall not be available for use on Sundays or legal holidays unless upon special approval of the Board of Trustees. Limited special facilities may be made available during vacation periods if such use does not conflict with building, cleaning, and/or renovating activities and if necessary personnel are available for supervision.
3. The programs offered in and during the use of any school premises shall at no time contain any matter which might tend to cause breach of the peace and which constitute subversive doctrine, seditious utterances and which agitate changes in our form of government or social order by violence or unlawful methods.
4. No sectarian or denominational doctrine shall be taught at any meeting falling under the Civic Center Act, except by those religious or sectarian organizations which lease school property.
5. Juvenile organizations must have adequate adult sponsorship and supervisions. Adequate supervision is considered to be not less than one adult per 20 children.
6. No literature shall be advertised or offered for sale on school premises at any meeting, with the exception of PTA publications, unless it has been approved by the Superintendent or person authorized by him.
7. All functions shall close by 10 p.m. unless special permission is secured in advance. All premises shall be vacated at the time shown on the application. Deviations or departures from this rule shall be cause for cancellation of all future meetings.
8. All applicants for permits for use of school facilities must sign the "Statement of Information" (loyalty oath) as required by law (see attached form).
9. School facilities shall not be available at any time which might interfere with regular functions of the school, and said time will be determined by the Superintendent or person designated by him.
10. Where charges are made, an invoice will be sent to the organization using the facilities. Failure to make prompt payment will be just and sufficient cause to deny further use.



**Community Relations**

**Use of School Facilities (continued)**

Procedures for Use of Facilities (continued)

11. If an organization requires extra chairs, other than those which are assigned to the school requested (other than PTA or school sponsored events), a charge shall be made for moving chairs from other locations as shown in the Table of Charges.
12. No alterations shall be made to any school building, nor shall furniture, pianos or equipment be moved except by assigned district staff.
13. No alternations or additions shall be made to any district facility or grounds without first submitting, in detail, what is proposed and receiving written approval from the district to proceed. If approval is given, it is the responsibility of the group or organization to return the facility or grounds to its original conditions. Failure to do so will result in the district's billing the organization for costs incurred by the district in restoring same and is cause to cancel future meetings of the organization.
14. All drapes, hangings, curtains, drops and all decorative materials used within or upon school buildings or grounds shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshall.
15. Applicants for use of school facilities shall submit, in detail, a list of their needs, including diagram of setup, number of chairs, tables, etc. at the time of application. Custodians are not authorized to make changes in the request, and, for this reason, it is essential that needs be anticipated.
16. The assigned custodian shall be responsible for verifying the organization's authorization to use the facility; making the necessary arrangements to accommodate the meeting; cleaning and returning the facility to proper condition for school use; reporting any deviations or departures from the established rules, regulations and policies; and performing all services courteously.
17. No preparation of any kind shall be used on school floors by groups using the building for dancing.
18. Groups or individuals using school facilities under the Civic Center Act shall not assist the custodian in putting tables and benches in the wall.

**Community Relations**

**Use of School Facilities (continued)**

Procedures for Use of Facilities (continued)

19. There shall be no smoking in any school.
20. It is required that a district custodian prepare facility for use, unlock facility and secure facility after use.
21. At the conclusion of the use of a facility, a representative from the organization using the facility must remain until the custodian arrives to prevent the facility being left in an unsecured state.
22. Due to the demanding schedule of the custodian personnel, the group using the facility must adhere to the scheduled opening and closing times.
23. If payment of a fee is to be made by an organization for the use of school buildings or grounds, the district reserves the right to request payment in advance. For extended use of facilities, a monthly payment may be made. A refund will be given if notice is received in the District Office at least forty-eight hours before the expected cancellation.

**Community Relations**

**Use of School Facilities (continued)**

Regulations for Use of Kitchen

1. Kitchen facilities, except for regular meetings of the PTA or school functions, must be rented at the fee established in the Table of Charges.
2. The kitchen may be opened by the principal for the PTA when none of the kitchen tools or equipment is to be used.
3. When tools and equipment are to be used, the kitchen is to be opened by the Cafeteria worker of the School or a qualified person appointed in her place.

The cafeteria personnel assigned by the Director of Nutrition Services shall be responsible for advising and assisting the groups using the kitchen in the proper use of all cafeteria equipment shall see that the district property is protected and district supplies are not used.

4. The organization using the kitchen shall be responsible for leaving it in a clean and orderly condition. If the facilities are left in an unsatisfactory condition, the organization shall be charged for the labor involved in returning the kitchen to district standards.
5. For dinners or other functions where food is prepared and served under the direction of the Food Services Supervisor for an organization included in the Civic Center Act, a written agreement shall be signed by both parties and approved by the District Office representative. This agreement shall state the minimum number of meals to be served, the price per meal, the type of menu to be provided and the time the meal is to be served.

An account of the receipts and expenditures for each such occasion shall be submitted to the District Office representative.

**Community Relations**

**Use of School Facilities (continued)**

Regulations for the Use of District Parking Lots

1. Youth groups, community groups and other groups and/or organizations may use District parking lots for normal parking of automobiles without charge while occupants attend activities sponsored by the group.
2. Youth groups, community groups and other groups may use District parking lots for group-sponsored activities. Charges will be billed for utility usage and/or necessary custodial fees. Receipts from activities are to be expended for either the welfare of the pupils.
3. Religious groups may use District parking lots for the normal parking of automobiles at times that do not conflict with School District activities. No religious services or distribution of religious materials are to be conducted on school parking lots. The group must carry liability resulting from the group's use of the property. A charge of \$10.00 per day is to be levied for one-time users. Groups using the facility on a regular basis are to be charged \$3.00 per day.
4. Private organizations and non-profit organizations may use District parking lots at times when there is no conflict with School District activities, provided the organization has insurance to cover any liability encountered while using the facility and holds the School District harmless from any such liability. Charge for use is to be \$10.00 per day, when used on a one-time basis. If used on a regular basis the charge is to be \$3.00 per day.
5. The use of District parking lots is prohibited when they are to be used for commercial purposes.
6. Individuals are generally prohibited from using District facilities to park individual automobiles, trucks, campers and similar vehicles. In cases of temporary emergency, permission may be granted for parking lot use during times that do not conflict with School District activities. Individuals must be responsible for any damages to District property that may result from their use and hold the District harmless from any liability that may result from their use.
7. All groups and/or individuals must complete and have approved the Lowell Joint School District form "Request for Use of Buildings and/or Grounds."

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 23, 2006; June 18, 2013

**Community Relations**

**Use of School Facilities**

LOWELL JOINT SCHOOL DISTRICT  
REQUEST FOR USE OF BUILDINGS AND/OR GROUNDS

STATEMENT OF INFORMATION

The undersigned, as duly authorized representative for \_\_\_\_\_, states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of any crime or any act which is prohibited by law.

The undersigned further declares that, \_\_\_\_\_ the organization on whose behalf he/she is applying for the use of school property upholds and defends the Constitutions of the United States and the State of California.

Signed: \_\_\_\_\_

Organization if applicable: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

**Community Relations**

**Modification of District and School Facilities**

Modifications to District and school facilities which may have an impact upon the public should be brought to the Board for information, consideration, and, if necessary, approval prior to the execution of the modification. In emergency situations and/or situations where the best interests of the students and/or District will be served by immediate action, information regarding these situations should be communicated to the Board with the materials for the next regular board meeting or sooner if necessary.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

**Community Relations**

**Modification of District and School Facilities**

The Superintendent or his/her designee should provide information to the Board on modification such as fencing, roofing, exterior painting, relocation of portable classrooms and modifications of paved areas as soon as possible prior to the execution of the modification.

Gifts to schools that are donated to the district under the provisions of BP 3290 are to be discussed with the Superintendent or his designee and the principal of the school whenever possible. A determination regarding whether any gift is in the category of a modification having public impact will be made by the Superintendent.

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;

## **Community Relations**

### **Authorization for Payment of Reward**

The Board of Trustees of the Lowell Joint School District authorizes the payment of a reward of up to \$500 to anyone providing information leading to the determination of the identify, arrest and conviction of any persons or persons who willfully damage or destroy school district property.

In the event arrest and conviction are not possible, this reward will be made to anyone whose assistance in providing information leads to the recovery of damages, including the amount of the reward, from the vandals and/or their guardians.

The Superintendent or his designee will compile a data file on each case, and with his recommendation for the amount of the reward to be awarded, will present each case for the Board's consideration and action. Wherever possible, each case will be considered in closed session to protect the anonymity of the persons involved.

Rewards paid in conjunction with this policy are authorized under Education Code 48904 and Government Code Section 53069.5.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Community Relations**

### **Authorization for Payment of Reward**

The Superintendent will, with the principal of the school, the Director of Maintenance and the appropriate law-enforcement agencies, compile the data file for presentation to the Board.

Each data file will contain, if possible:

1. The date and time of the vandalism or damage to school district property.
2. The location and specific details regarding the extent of the damages.
3. The identify of the perpetrator.
4. The name of the law enforcement agency and officer investigating the case.
5. The identify of the individual providing information.
6. The disposition of the case.
7. An estimate of the costs for repair or replacement due to damages.
8. The amount for damages recovered to date.
9. Any other information deemed pertinent for the Board's consideration.

Based upon the foregoing, the Superintendent will present a recommendation for a reward at a closed session.

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;

## **Community Relations**

### **Access To District Records**

Any person shall have reasonable access, during normal business hours, to the public records of the schools and district. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

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

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.5 - Student Assessment)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

#### Legal Reference:

##### EDUCATION CODE

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)

49060-49079 Pupil records

49091.10 Parental review of curriculum and instruction

52015 Ongoing evaluation and modification of school improvement plans

52015.5 Availability of information required by EC 52015(g)

52850 Applicability of article (School-based Program Coordination Plan availability)

54722 Application of article (Motivation and maintenance program Plan availability)

**Community Relations**

**Access To District Records (continued)**

GOVERNMENT CODE

3547 Proposals relating to representation

6250-6270 California Public Records Act

53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 Public records; inspection and reproduction

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Access To District Records**

#### Records Open to the Public

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used or retained by the district regardless of physical form or characteristics. (Government Code 6252)

Writing means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of the district acting within the scope of his/her office or employment. Governing Board members are entitled to access to public records permitted by law in the administration of their duties, and, as to other public records, on the same basis as any other person. (Government Code 6252, 6252.5)

Records to which the public shall have access include but are not limited to:

1. The proposed and approved budgets (Government Code 6252; Education Code 42103)

(cf. 3100 - Budget)

2. Statistical compilations (Government Code 6252)
3. Reports and non-confidential memoranda (Government Code 6252)
4. Notices and bulletins (Government Code 6252)
5. Minutes of public meetings (Government Code 6252)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 6252, 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

**Community Relations**

**Access To District Records (continued)**

7. Official communications between governmental branches (Government Code 6252)

8. School-based program plans (Education Code 52850, 54722)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

9. Information and data relevant to the evaluation and modification of school improvement plans (Education Code 52015.5)

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

(cf. 3320 - Claims and Actions Against the District)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 - Conflict of Interest)

13. Contracts of employment and settlement agreements (Government Code 53262)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

**Confidential Records**

Records to which the general public shall not have access include but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

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

(cf. 9011 - Disclosure of Confidential/Privileged Information)

## Community Relations

### Access To District Records (continued)

2. Records specifically prepared for litigation to which the district is a party or to claims made pursuant to the Tort Claims Act until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
3. Personnel records, medical records, student records, personal correspondence, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

The home addresses and home telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
  - b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
  - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed
  - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)

**Community Relations**

**Access To District Records (continued)**

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
7. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)

(cf. 6163.1 - Library Media Centers)

8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
9. Documents prepared by the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that is for distribution or consideration in closed session (Government Code 6254)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

10. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)
11. Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

12. Computer software developed by the district (Government Code 6254.9)

## **Community Relations**

### **Access To District Records (continued)**

13. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 185 (1981))

(cf. 5020 - Parent Rights and Responsibilities)

14. Any other confidential memoranda or records listed as exempt from public disclosure in the California Public Records Act or other statutes

### **Inspection of Records and Requests for Copies**

Public records are open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Every person may request a copy of any district record open to the public and not exempt from disclosure. (Government Code 6253)

After receiving any request for a copy of records, the Superintendent or designee shall determine whether the request seeks copies of disclosable public records in the district's possession. The Superintendent or designee should promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the request response by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request



## **Community Relations**

### **Access To District Records (continued)**

3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the district having substantial subject matter interest therein
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Community Relations**

### **Relations Between Other Governmental Agencies And The Schools**

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

(cf. 1020 - Youth Services)

(cf. 3515.2 - Disruptions)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.11 - Questioning and Apprehension)

(cf. 5145.12 - Search and Seizure)

(cf. 7131 - Relations with Local Agencies)

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

#### **Elections/Voter Registration**

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

(cf. 6111 - School Calendar)

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

**Community Relations**

**Relations Between Other Governmental Agencies And The Schools (continued)**

Legal Reference:

**EDUCATION CODE**

- 10900-10914.5 Cooperative community recreation programs
- 12400 Authority to receive and expend federal funds
- 12405 Authority to participate in federal programs
- 17050 Joint use of library facilities
- 17051 Joint use of park and recreational facilities
- 32001 Fire alarms and drills
- 35160 Authority of governing boards
- 35161.1 Broad authority of school districts
- 48902 Notification of law enforcement agencies
- 48909 District attorney may give notice re student drug use, sale or possession
- 49305 Cooperation of police and California Highway Patrol
- 49402 Contracts with city, county or local health departments
- 49403 Cooperation in control of communicable disease and immunization
- 51202 Instruction in personal and public health and safety

**ELECTIONS CODE**

- 2145-2146 Distribution of voter registration forms
- 12283 Polling places: schools

**WELFARE AND INSTITUTIONS CODE**

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Waivers**

When certain provisions of Education Code or 5 CCR prevent the district from offering its students the best educational program, the Board of Trustees may request the State Board of Education to waive these provisions. District administrators, staff, advisory committees and councils shall identify the need for waiver requests and provide the Board information needed to make the waiver request.

The Board shall hold a properly noticed public hearing on all general waiver requests. (Education Code 33050)

The Board may include the exclusive employee representative in the development of the waiver and shall seek the participation of appropriate councils or advisory committees.

A waiver request must include a statement as to whether the exclusive employee representative participated in the development of the waiver and the exclusive employee representative's position on the waiver. Waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

If the waiver affects a program that requires the existence of a school site council, the school site council must approve the request. (Education Code 33051)

(cf. 0420 – School Plans/Site Councils)

(cf. 0420.1 – School-Based Program Coordination)

(cf. 0420.3 – School-Based Student Motivation and Maintenance Program)

(cf. 0420.5 – School-Based Decision Making)

### **Specific Waiver Requests**

The Board shall hold a properly noticed public hearing on all specific waiver requests, when required by law or when the Board desires community participation in the development of the waiver.

The Board shall include the exclusive employee representative, school site council, advisory committees and councils in the development of specific waivers when required by law or when affected by the waiver request.

The Board may grant, in whole or in part, any request for waiver when the facts indicate that failure to grant the waiver would hinder the implementation of the student's individualized education program or compliance by a district special education local plan area or county office with federal mandates for a free, appropriate education for children or youth with disabilities. (Education Code 56101)

## **Community Relations**

### **Waivers (continued)**

Legal Reference:

#### **EDUCATION CODE**

8759-8754 Grants for conservation education  
10400-10407 Cooperative improvement programs  
17047.5 Facilities used by special education students  
17291 Portable school buildings  
33050-33053 General waiver authority  
41000-41360 School finance  
41381 Minimum school day  
41600-41854 Computation of allowances  
41920-42842 Instructional television; guaranteed yield program; financial statements of school districts; budget requirements; local taxation by school districts  
44681-44689 Administrator Training and Evaluation  
45108.7 Maximum number of senior management positions  
51870-51874 Educational Technology 52000-52049 School Improvement Plans  
52033 Waiver on request of school site council  
52122.6-52122.8 Class size reduction - impacted school sites  
52160-52178 Bilingual-Bicultural Education Act of 1976  
52180-52186 Bilingual teacher waiver  
52200-52212 Gifted and Talented Pupils Program  
52850-52863 School-Based Coordinated Program  
54000-54041 Disadvantaged Youth Program  
54407 Waiver for compensatory education programs  
54720-54734 School-Based Pupil Motivation and Maintenance  
56000-56885 Special education programs  
58407 Waiver related to individualized instruction program  
58900-58928 Restructuring demonstration programs

#### **CODE OF REGULATIONS, TITLE 5**

3100 Resource Specialist caseload waivers  
13017 Waivers  
13044 Waivers

#### **UNITED STATES CODE, TITLE 20**

1400-1482 Individuals with Disabilities in Education Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Community Relations**

### **Relations Between Private Industry and the Schools**

The Board of Trustees may authorize representatives of private industry to participate with the schools in preparing our students for challenges they will meet in the future. Working together as partners, business and the schools should seek to educate citizens who can contribute to the productive workforce on which our economy depends.

The Superintendent or designee may invite local employers to serve on advisory committees. Businesses may also provide classroom assistance, individual tutoring, incentive and recognition programs, work experience opportunities, apprenticeship programs and employment opportunities. The Board recognizes that staff members need adequate time to plan these activities in cooperation with the business volunteers.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

(cf. 6178 - Vocational Education)

The Board also encourages private industries to contribute funds and equipment to further the district's educational programs.

(cf. 1260 - Education Foundation)

(cf. 3290 - Gifts, Grants and Bequests)

The Board urges employers to further support the schools by recognizing their employees' needs as parents and supporting their involvement with their children's schools.

(cf. 1250 - Visitors/Outsiders)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that staff, students, and parents/guardians have the opportunity to periodically assess the support which local businesses provide our schools. The Superintendent or designee shall regularly report these evaluations to the Board and recommend those individuals and/or businesses whose contributions merit Board commendation.

(cf. 1150 - Commendation and Awards)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

52376 High school vocational courses; requirements

## **Administration**

### **Concepts And Roles in Administration**

The Board of Trustees recognizes that district administration performs essential roles and functions in support of student learning, including the provision of instructional support and services to schools as well as the responsible management of district resources and personnel.

- (cf. 3100 - Budget)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4300 - Management, Supervisory and Confidential Personnel)
- (cf. 4331 - Staff Development)

The Board expects district administration to provide leadership in developing and implementing the district's philosophy and goals for the educational program and in evaluating and reporting on the district's progress toward the goals. District administration is expected to help shape the culture and environment of the district in a manner that instills confidence in district schools, encourages positive relationships with the community, and focuses district operations on enhancing student achievement.

- (cf. 0000 - Vision)
- (cf. 0500 - Accountability)
- (cf. 6020 - Parent Involvement)
- (cf. 6141 - Curriculum Development and Evaluation)
- (cf. 7000 - Concepts and Roles)

The Superintendent is the chief executive officer and educational leader of the district. As a member of the governance team, he/she shall advise and assist the Board in the exercise of its governance responsibilities.

- (cf. 2110 - Superintendent Responsibilities and Duties)
- (cf. 2111 - Superintendent Governance Standards)
- (cf. 9000 - Role of the Board)
- (cf. 9005 - Governance Standards)
- (cf. 9311 - Board Policies)

The Superintendent is granted the authority to make decisions concerning district operations within the parameters of law and Board policy. He/she shall be responsible for developing administrative structures and decision-making processes that allow the district to fulfill its responsibilities in an efficient manner. The Superintendent may delegate to other district staff any duties required of him by the Board. This delegation shall not relieve the Superintendent of responsibility for actions taken by his designees.

## **Administration**

### **Concepts And Roles in Administration (continued)**

- (cf. 1220 - Citizen Advisory Committees)
- (cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)
- (cf. 2220 - Administrative Staff Organization)
- (cf. 2230 - Representative and Deliberative Groups)
- (cf. 4300 - Management, Supervisory and Confidential Personnel)
- (cf. 4315 - Evaluation/Supervision)
- (cf. 9313 - Administrative Regulations)

#### Legal Reference:

##### EDUCATION CODE

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Administration**

### **Administrative Staff Organization**

The Board may employ, upon the recommendation of the Superintendent, such additional administrative and supervisory personnel as seem necessary to assist the Superintendent in the conduct of the affairs of the school district.

The Superintendent may request the attendance of any of these personnel at regular and special meetings of the Board, as he deems such attendance to be in the best interests of the school district.

The Superintendent may require reports from any of these personnel on such topics and at such time as it may serve the purpose of the school district.

Administrative and supervisory personnel shall function in accordance with the organization and functional charts prepared by the Superintendent. The Superintendent shall reserve the right to make temporary or permanent adjustments in the responsibilities of administrative and supervisory personnel with consideration for the workload and/or the efficiency and capabilities of the affected administrator or supervisor.

### **Management Positions**

Management positions shall be defined as follows:

1. Management employees are those persons having significant responsibilities for formulating district policies or administering district programs.
2. Supervisory employees are those persons having the authority to make recommendations to the Superintendent concerning the employees or programs under their supervision.

In accordance with the above definitions, the following certificated positions shall be designated as Management:

1. Superintendent of Schools
2. Assistant Superintendent for Instruction
3. Director of Special Education
4. Intermediate School Principal
5. Elementary School Principal
6. Assistant Principal – Intermediate School

## **Administration**

### **Administrative Staff Organization (continued)**

The following classified positions shall be designated as Management:

1. Assistant Superintendent of Administrative Services
2. Fiscal Services Coordinator
3. Director of Maintenance, Operations, and Facilities
4. Director of Technology
5. Director of Nutrition Services

The following certificated positions shall be designated as Supervisory:

1. Psychologist
2. School Nurse

### **Management Team**

Each employee holding a position identified above shall be a member of the District's management team, which is established for the purposes of:

1. Improving the management function of the district by bringing to bear more effective research on district problems.
2. Pooling technical knowledge in the improvement of district services.
3. Establishing a coordinated program for evaluation of district operations and personnel.
4. Improving communications among all district personnel.
5. Providing better communications with the community, and, where appropriate, students.
6. Increasing the commitment of district personnel to district services.
7. Providing refinement and delineation of district policies and regulations.

The management team is not an administrative body; it is intended to be advisory to the Superintendent, and, through the Superintendent, to the Board of Trustees.

In addition to the purposes enumerated, the management team may undertake such other activities and purposes as the Superintendent may direct.

**Administration**

**Administrative Staff Organization (continued)**

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35027 Employment of deputy, associate and assistant superintendent

35028 Qualifications for employment

35031 Term of employment

35034 District Superintendent of certain unified school districts

GOVERNMENT CODE

3540.1 Definitions, particularly (g) “management employee” and (m) “supervisory employee”

3543.4 Management positions; representation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 17, 2011

## **Administration**

### **Superintendent Responsibilities And Duties**

The Board of Trustees desires to set clear expectations of the Superintendent's responsibilities and duties in order to establish a productive working relationship with the Superintendent, ensure that the work of the Superintendent is focused on achievement of the district's philosophy and goals, and provide a fair basis for evaluating the Superintendent. The responsibilities are detailed in law, Board policy, and the Superintendent's contract.

(cf. 0000 - Philosophy)

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 2121 - Superintendent's Contract)

(cf. 2140 - Evaluation of the Superintendent)

The Superintendent shall be the chief executive officer of the school district under the direction of the Board of Trustees. The Superintendent is responsible for the management of the schools as authorized by the Board's policy and is accountable to the Board. He/she shall have general supervision of all personnel of the district.

The Board of Trustees delegates to the Superintendent the power to make decisions concerning internal operations of the school district.

The Superintendent may, at his/her discretion, delegate to other school personnel the exercise of power or discharge of any duties imposed upon him/her by the policies or vote of the Board as far as the law permits. The delegation of power or duty shall not relieve the Superintendent of the responsibility for the action taken by his/her designee.

The Superintendent is involved in the collective bargaining process in that he/she provides advice and leadership to the Board and may act as the district's chief negotiator unless otherwise delegated.

### **Professional Development**

The Board encourages the Superintendent to pursue a course of professional development that will keep him/her informed on current educational thought and practices. Professional development within the district may include the reading of books, periodicals or other publications in the field of education. The Superintendent is encouraged to attend educational conferences, seminars, workshops, professional meetings and to visit other school systems in the interest of improving the district's instructional program and overall operation. The Superintendent shall keep the professional staff informed of new developments in the field of education.

## **Administration**

### **Superintendent Responsibilities And Duties (continued)**

As the chief executive officer of the district, the Superintendent shall implement all Board decisions and manage the schools in accordance with law and Board policies. The Superintendent has responsibilities related to students and the instructional program, personnel, non-instructional operations, and the community. The Superintendent also serves as a member of the district's governance team and has responsibilities to support Board operations and decision making.

(cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)

(cf. 9000 - Role of the Board)

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

(cf. 2220 - Administrative Staff Organization)

#### Legal Reference:

##### EDUCATION CODE

17604 Delegation of powers to agents

17605 Delegation of authority to purchase supplies, equipment and services

35020 Duties of employees set by governing board

35026 Employment and duties of district superintendent

35035 Additional powers and duties of superintendent

48900 Authority of superintendent to recommend suspension or expulsion

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; January 8, 2007

## **Administration**

### **Superintendent's Responsibilities and Duties**

#### Organization Chart(s)

The administration organization of the district is the basis for achieving the District's primary objective: an effective program of instruction.

The general administrative organization of the district shall be the single executive type of school administration with the Board of Trustees as the governing body and with all activities under the direction of the Superintendent of Schools.

Organization or function charts for the district shall be prepared by the Superintendent and approved by the Board of Trustees and shall designate clearly the relationships of all employees within the district organization. The organization or function charts shall be kept up to date and changes shall be approved by the Board of Trustees.

#### Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

BP 2110.1 (b)

## **Administration**

### **Organization Chart(s) (continued)**

LOWELL JOINT SCHOOL DISTRICT

#### ORGANIZATION CHART

An organization function most effectively and a staff operates at its optimum level when there is a well-defined and well understood pattern of administrative organization in which authority is delegated commensurate with assignment of responsibility.

The Lowell Joint School District feels that responsibility and instruction must follow the lines as indicated on the Organization Chart. The informal lines of contact, information and communication may follow the most expedient route if there is no direct conflict with the official lines of authority. All principals, administrators and supervisors are responsible for the continuous flow of information both up and down within their respective areas. In turn, it is expected that all personnel will keep their immediate supervisors informed of matters pertinent to their areas of responsibility.

1. In the absence of the Superintendent, the Assistant Superintendent of Instruction or Assistant Superintendent of Administrative Services will assume the direct line relationships of the Superintendent as designated by the Superintendent.
2. Principals are in a direct line relationship and are, therefore, directly responsible to the Superintendent. It is expected that principals will work through the district office administrators on matters pertaining to Business and Instruction.
3. All consultants and specialists are responsible to the principal when they are working at his/her building.
4. The Assistant Principal will be in charge of the intermediate school in the absence of the principal. In the elementary schools, the principal will arrange for a properly credentialed teacher, the Superintendent or a principal at another building to act as his/her designee during any period of absence.

## **Administration**

### **Organization Chart(s) (continued)**

5. The Director of Nutrition Services is responsible to the Assistant Superintendent of Administrative Services in matters relating to food preparation, food ordering and determination of hours for Cafeteria employees. The principal or his/her delegate shall exercise supervision over all students and their activities during the lunch periods. Evaluation of Cafeteria workers shall be made by the Director of Nutrition Services with information provided by the principal.
6. Day and Night Custodians are directly responsible to the Director of Maintenance, Operations and Facilities for daily operation and maintenance of school plants. Evaluation of Day Custodians shall be made by the Director of Maintenance, Operations and Facilities. Evaluation of Night Custodians shall be made by the Director of Maintenance, Operations and Facilities with information from the Day Custodian.
7. Classified Personnel in Maintenance are assigned to a school plant on a temporary basis only and for specific tasks. While these persons are under the direct supervision of their immediate supervisor, the principal shall exercise direct control in all matters regarding the safety and welfare of the students.
8. District Classified Personnel in Grounds may be assigned to one or more school plants on a regular basis. While these persons are under the direct supervision of their Director of Maintenance, Operations and Facilities, the principal shall exercise direct control in all matters regarding the safety and welfare of the students.

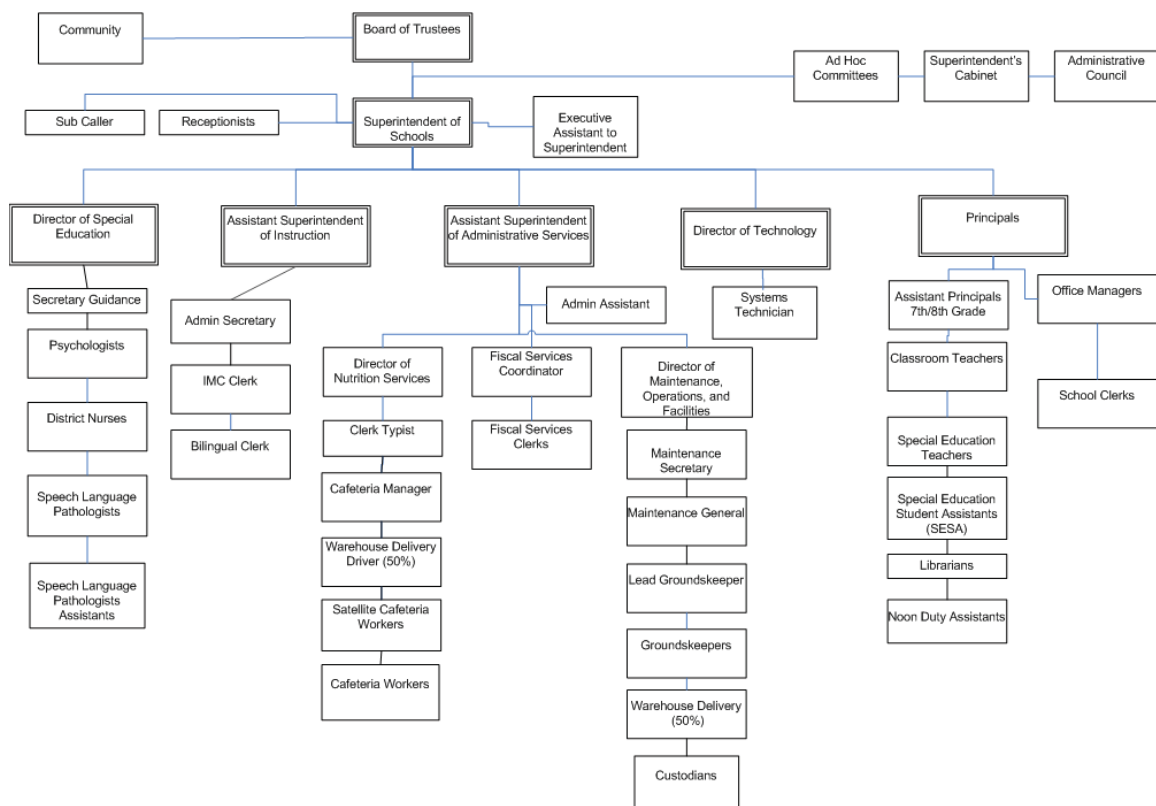
Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; January 8, 2007; October 17, 2011



## Administration

### Organizational Chart



## **Administration**

### **Line of Responsibility**

The Board directs the Superintendent to develop a mechanism designed to give all personnel a clear understanding of the working relationships in the school system.

Lines of direct authority shall be structured in the following manner:  
Responsibility shall flow simply from the Board of Trustees, through the Superintendent, administrators and teachers to the students of the district.

1. Personnel shall be told to whom they are responsible and for what functions. Personnel shall be expected to refer matters requiring administrative action to the administrator to whom they are responsible. That administrator may refer such matters to the next higher administrative authority when necessary.
2. Personnel shall be told to whom they can go for help in working out their functions in the district program.
3. All personnel shall have the right to appeal any decision made by an administrator through procedures established by the Board of Trustees or found in current negotiated employee contracts.
4. Lines of authority shall not restrict in any way the cooperation of all staff members at all levels to develop the best possible school programs and services.

#### Legal Reference:

##### EDUCATION CODE

35014 Adoption of rules of the governing board

35020 Duties of employees fixed by governing boards

35035 Powers and duties of superintendent

35160 Authority of governing boards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Administration**

### **Superintendent's Contract**

In approving employment contracts with the Superintendent, the Board of Trustees wishes to encourage the Superintendent's long-term commitment to the district and community while carefully considering the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

The Board shall designate a representative to negotiate with the Superintendent on its behalf and may consult legal counsel to draft the contract document.

The Board shall deliberate in closed session about the terms of the contract. (Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 3580 - District Records)

The contract shall include, but not necessarily be limited to, provisions for salary and benefits, annual evaluations, term of the contract and conditions for termination of the contract. The contract should also include general responsibilities and duties of the Superintendent.

(cf. 2110 - Superintendent Responsibilities and Duties)

**Administration**

**Superintendent's Contract (continued)**

The term of the contract shall be for no more than four years. (Education Code 35031)

During the term of the contract, the Board may reemploy the Superintendent on those terms and conditions mutually agreed upon by the Board and Superintendent. (Education Code 35031)

The Superintendent's contract shall be extended only by Board action and subsequent to an evaluation of the Superintendent's performance that reflects an overall rating of "Highly Effective" or above.

(cf. 2140 - Evaluation of the Superintendent)

In the event that the Board determines not to reemploy the Superintendent, the Board shall provide written notice to the Superintendent at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

The Superintendent's contract shall include a provision specifying the maximum cash settlement that the Superintendent may receive upon termination of the contract. However, if the unexpired term of the contract is greater than 18 months, the maximum cash settlement shall be no more than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf 4117.5/4217.5/4317/5 – Termination Agreements)

If the Board terminates the Superintendent's contract upon its belief and subsequent confirmation pursuant to an independent audit that the Superintendent has engaged in fraud, misappropriation of funds or other illegal practices, the maximum settlement shall be within the limits prescribed by law, as determined by an administrative law judge. (Government Code 53260)

Legal Reference:

EDUCATION CODE

35031 Term of employment

GOVERNMENT CODE

53260-53264 Employment contracts

54954 Time and place of regular meetings

54957 Closed session personnel matters

54957.1 Closed session, public report of action taken

Policy Adopted: March 23, 1987      Policy Revised: September 26, 2005;

## **Administration**

### **Superintendent's Job Description**

1. The Superintendent of Schools is the chief executive officer of the Board of Trustees. (Education Code 35035)
2. The Superintendent shall act as secretary to the Board.
3. The Superintendent is responsible for carrying out all policies established by the Board.
4. In cases not specifically covered by Board policies, the Superintendent shall take appropriate action and report such action to the Board not later than the next Board meeting.
5. All individuals employed by the Board are responsible to the Superintendent of Schools.
6. The Superintendent shall establish such regulations and give such instructions to school employees as may be necessary to make the policies of the Board effective. Such delegation and assignments, however, shall not relieve the Superintendent of final responsibility for actions of subordinates.
7. The Superintendent (or designee with Board approval) shall be present at all meetings of the Board and its special committees except when matters pertaining to his reemployment are being considered by the Board. The Superintendent shall be advisor to the Board in all its deliberations.
8. The Superintendent (or designee with Board approval) shall be responsible for supervising the preparation and submission of the district budget to the Board for the ensuing fiscal year. He shall revise and take any other action concerning the budget as the Board may designate.
9. The Superintendent (or designee with Board approval) shall submit regular financial and budgetary reports to the Board of Trustees. The report shall include any outstanding obligations incurred by the school district. (Education Code 35035)

## Administration

### Superintendent Job Description (continued)

10. In accordance with policies of the Board, the Superintendent shall have power within the limits of major appropriations approved by the Board to approve and direct all purchases and expenditures.

The Superintendent shall have the power to enter into any contracts on behalf of the Board of Trustees. (Education Code 35035) The Superintendent shall be personally liable for any district moneys paid out as a result of his misconduct in relations to any contracts made. (Education Code 39656)

11. The Superintendent shall submit, in writing, his recommendations in respect to all candidates for employment. The Board shall accept or reject such recommendations, but should employ employee candidates only on the Superintendent's recommendation.
12. The Superintendent shall determine whether certificated employees have a valid certificate as required by law. (Education Code 35035)
13. The Superintendent shall formulate and recommend for the consideration of the Board personnel policies needed for efficient functioning of the district staff.

The Superintendent shall assign all personnel within the district, subject to Board approval.

The Superintendent shall have the power to transfer certificated employees from one school to another. His decision shall be based on the best interest of the district and be consistent with the adopted Board policy concerning transfers and the provisions of existing collective bargaining agreements. (Education Code 35035)

(cf. 4114 – Transfers/Reassignment)

14. The Superintendent shall provide professional leadership for the education program of the schools. He shall formulate educationally sound policies and present them to the Board for consideration. The Superintendent shall regularly report to the Board on all aspects of the district's education program. He shall provide for program articulation with the Fullerton Joint Union High School District whenever possible and feasible.

## **Administration**

### **Superintendent's Job Description (continued)**

15. The Superintendent shall be responsible for insuring the evaluation of each staff member.
16. The Superintendent is responsible for the implementation of a plan for maintenance, improvement or expansion of buildings and site facilities.
17. The Superintendent is responsible for the implementation of a plan for maintenance, improvement or expansion of buildings and site facilities.
18. Within budget appropriations and conference policy set by the Board, the Superintendent is authorized to approve conference expenses for employees on official business.
19. The Superintendent shall submit to the Board periodic reports on the operation of the school system as well as any special reports requested by the Board.
20. The Superintendent shall keep and regularly update an inventory of all property, furnishings, materials and supplies of the district.
21. The Superintendent shall formulate and administer a program of supervision for all schools.
22. The Superintendent shall recommend to the Board of Trustees a student's suspension or expulsion under the appropriate circumstances. (Education Code 48900)
23. The Superintendent shall submit a school calendar for the ensuing school year to the Board for approval.

### **Minimum Qualifications**

1. The Superintendent shall have an appropriate administrative credential.
2. The Superintendent shall have a Master's Degree, and, preferably, a Doctorate Degree.

**Administration**

**Superintendent's Job Description (continued)**

3. The Superintendent shall have teaching experience at a variety of levels.
4. The Superintendent shall have administrative experience at a variety of levels.

Supervision Over: Assistant Superintendents, Building Principals, Directors and personnel assigned.

Supervision From: Board of Trustees

Evaluation By: Board of Trustees

Period of Service: As per individual contract

Legal Reference:

EDUCATION CODE

35020 Duties of employees set by governing board

35026 Employment of district superintendent by certain districts

35028 Qualifications for employment

35029 Waiver of certification requirement for chief administrative officer of the district

35031 Term of employment (up to four years)

35032 Salary increases

35035 Additional powers and duties of superintendent

48900 Authority of superintendent to recommend suspension or expulsion

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Administration**

### **Evaluation of Superintendent**

The Board of Trustees may annually conduct a formal evaluation of the Superintendent's performance in order to assess his effectiveness in leading the district toward established philosophy and goals. The Superintendent and Board may establish an appropriate schedule for the annual evaluation process.

(cf. 0000 – Philosophy)  
(cf. 2121 - Superintendent's Contract)  
(cf. 9000 - Role of the Board)

Evaluation criteria should be based on district philosophy and goals as agreed upon prior to the evaluation by the Board and Superintendent. The evaluation may provide commendations in areas of strength, provide recommendations for improving effectiveness, and serve as a basis for making decisions about salary increases and/or contract extension.

(cf. 2110 - Superintendent Responsibilities and Duties)

The Board and Superintendent may annually consider what evaluation method(s) will best serve the district and agree on the specific written instrument to be used.

Each Board member should independently evaluate the Superintendent's performance. The Board may examine all Board members' evaluations and reach a consensus on the evaluation. The Board president or designee may then develop a single evaluation representing the Board's collective judgment and provide a copy to the Superintendent.

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

(cf. 9321 - Closed Session Purposes and Agendas)

The Superintendent and Board president should sign the evaluation as evidence that the evaluation has been discussed, and shall place the evaluation in the Superintendent's personnel file.

(cf. 2111 - Superintendent Governance Standards)  
(cf. 3100 - Budget)  
(cf. 9005 - Governance Standards)  
(cf. 9400 - Board Self-Evaluation)

**Administration**

**Evaluation of Superintendent (continued)**

Legal Reference:

GOVERNMENT CODE

54957 Closed session, personnel matters

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Administration**

### **Administrative Leeway In Absence Of Board Policy**

Through Governing Board policy, the Board tries to anticipate critical policy issues that may affect district students and operations. However, the Board recognizes that questions may arise in the day-to-day operations of the schools that are not addressed in Board policy or administrative regulations. When resolution of such issues demands timely action, the Superintendent or designee shall have the authority to act on behalf of the district.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 9000 - Role of the Board)

(cf. 9311 - Board Policies)

If the matter involves a policy decision that is likely to be controversial, or a matter that has a significant impact on student learning or safety, the Superintendent or designee shall notify the Board president as soon as practicable after its occurrence. The Superintendent shall then inform the rest of the Board as appropriate.

The Board president may schedule a review of the action at the next regular Board meeting.

If the action indicates the need for additions or revisions in Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

In cases where emergency action must be taken within the school system and where the Board of Trustees has provided no guides for administrative action, the Superintendent shall have the power to act. The Superintendent's decisions shall be subject to review by action of the Board of Trustees at its next regular meeting.

It shall be the duty of the Superintendent to keep the Board apprised of any action taken in emergency situation prior to the Board's next regular meeting. If the action necessitates the addition or revision of policies, the Superintendent shall make the necessary recommendations to the Board.

Legal Reference:

EDUCATION CODE

35035 Powers and duties of superintendent

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Administration**

### **Representative And Deliberative Groups**

The Board, Superintendent or designee may establish a management team, administrative councils, task forces, cabinets or committees in accordance with law.

(cf. 1220 - Citizen Advisory Committees)  
(cf. 2220 - Administrative Staff Organization)

The membership, composition and responsibilities of these groups shall be defined by the Superintendent or designee. The Board, Superintendent or designee may establish, change or dissolve these groups at their discretion.

Groups established by the Board, Superintendent or designee shall act in an advisory capacity unless specifically authorized to act on behalf of the Board, Superintendent or designee. Advisory groups shall submit their recommendations to the Superintendent or designee, who may report the recommendations to the Board as appropriate.

(cf. 9130 - Board Committees)

Expenses incurred for consulting services, materials, travel or other related operations shall be approved by the Superintendent or designee in advance.

(cf. 3350 - Travel Expenses)

#### Legal Reference:

##### EDUCATION CODE

35160.1 Broad authority of school districts

45100.5 Senior classified management positions

45256.5 Designation of certain senior classified management positions

##### GOVERNMENT CODE

3540.1 Definitions

54952 Legislative body, definition

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Administration**

### **Policy/Regulation/Bylaw Development**

#### Policy Manual

The Superintendent will provide for the printing of the Board's policy, regulations and bylaws in a manual and maintenance of them in a current condition. The policy manual shall be distributed to the Board of Trustees and to key district personnel. Students members of the community and other staff members shall have access to the district policy manual.

#### Policies

Policies are written statements adopted by the Board that provide guides for discretionary action to the Superintendent and his staff. The Board may request the Superintendent to provide policy statements for its consideration or may initiate a committee from along its own members to develop policy.

(cf. 9311 – Formulation, Adoption, Amendment of Policies)

#### Administrative Regulations

The Superintendent shall develop the regulations and procedures necessary to implement policy and operate the schools of the district. Rules and regulations shall not be in conflict with adopted Board policy, statutory provisions and State Department of Education rules and regulations.

The Board retains the right to review district rules and regulations to ensure that they are not in conflict with policy.

Regulations that apply to all schools of the district shall be included in the policy manual.

Regulations developed by principals for use in their own schools and that do not apply to all students of the district need not be included in the district's policy manual.

#### Board Adopted Regulations

The Board shall formally adopt or approve regulations when required to do so by law. The Board may request the Superintendent to prepare and submit draft regulations for its consideration.

## **Administration**

### **Policy/Regulation/Bylaw Development (continued)**

#### Board Adopted Regulations (continued)

Board adopted regulations are distinct from administrative regulations. The latter are developed by the superintendent in order to implement board policy. Board adopted regulations are those specifically required by law. At the Superintendent's request, the Board may adopt regulations that in his opinion warrant the endorsement of the Board.

#### Bylaws

Bylaws are the rules governing the internal operations of the Board of Trustees. When need for a new law or modification of an existing bylaw is recognized, the Superintendent will be directed to develop and present the Board with a new or modified bylaw for consideration. The same procedure used for development of policies shall be used for the development of bylaws.

#### Maintenance of Policy Manual

The Board of Trustees recognizes that new developments in education, changes in law and local community issues will have an impact on the operation of the school district and, consequently, the Board's policy manual.

The Board and Superintendent will analyze changes in law, state regulations and court decisions and discuss the need for amendment of policies, regulations and bylaws or the development of new ones.

(cf. 9300 et seq. – Governance)

#### Legal Reference:

##### EDUCATION CODE

35014 Adoption of rules by governing boards

35035 Powers and duties of superintendent

35291 Rules (powers of governing board)

48657 Rules and regulations for management and government (adjustment schools)

##### GOVERNMENT CODE

3540-3549.3 Public educational employer – employee relations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## Administration

### Conflict of Interest Code: Designated Personnel

Persons occupying the following positions are designated personnel. These persons shall adhere to the district Conflict of Interest Code adopted by the Board of Trustees in compliance with Government Code 87300 et seq. Financial interest defined in Exhibit B of the Conflict of Interest Code must be disclosed by these persons. See Board Bylaw 9270 for requirements pertaining to the filing of disclosure statements.

	Designated Employees	Assigned Disclosure Categories
A.	Governing Board Members	1
B.	Superintendent of Schools	1
C.	Assistant Superintendent of Administrative Services 1	
D.	Assistant Superintendent of Instruction	2
E.	Principal	2
F.	Director of Maintenance, Operations, and Facilities	2
G.	Director of Nutrition Services	2
H.	Director of Technology	2
I.	Fiscal Services Coordinator	2
J.	Director of Special Education	2
K.	Consultants	*

The Board expects each of the persons identified as designated employees to conform to the requirements of Bylaw 9270 for the position that each holds.

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Superintendent or designee may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure

## **Administration**

### **Conflict of Interest Code: Designated Personnel**

requirements. The Superintendent or designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

#### Legal Reference:

##### GOVERNMENT CODE

1090 et seq. Prohibitions applicable to specified officers

82028 Definitions "Gift"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 et seq. Conflicts of interest

87200 et seq. Disclosure 87300 et seq. Conflict of interest codes

91000 et seq. Enforcement

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; January 8, 2007; October 6, 2008; October 17, 2011



## **Business and Non-Instructional Operations**

### **Concepts And Roles**

The Board of Trustees recognizes that prudent financial decisions are crucial to the district's ability to provide a high-quality education for students. It is therefore essential that the Board establish reliable budget development processes and adopt a responsible budget with spending priorities which reflect the district's philosophy and goals. When needed, the Board shall advocate and seek community, state or federal support for additional financing.

(cf. 0100 - Philosophy)  
(cf. 0200 - Goals for the School District)

The Superintendent or designee shall prepare the detailed annual budget and present it to the Board for review and adoption. He shall administer the adopted budget in accordance with Board policies and accepted business procedures.

(cf. 3100 - Budget)  
(cf. 3400 - Management of District Assets/Accounts)

The Board shall monitor financial operations so as to ensure the district's fiscal integrity. The Superintendent or designee shall make all required financial reports, recommend auditor(s) to the Board, recommend financial plans for meeting program needs, and keep the Board fully informed about the district's fiscal and non-instructional operations.

(cf. 3460 - Financial Reports and Accountability)

The Board shall make every effort to ensure that the district provides healthy school environments and maintains high standards of safety in the operation of facilities, equipment and services. The Superintendent or designee shall utilize procedures that promote safety and protect district resources.

(cf. 3514 - Environmental Safety)  
(cf. 3515 - Campus Security)  
(cf. 3530 - Risk Management/Insurance)  
(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE

35035 Powers and duties of superintendent  
35160 Authority of governing boards  
35160.1 Broad authority of school district  
35161 Powers and duties of governing boards

Policy Adopted: March 23, 1987

Policy Revised: October 24, 2005

## **Business and Non-instructional Operations**

### **Budget**

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

(cf. 0000 – Philosophy)  
(cf. 3000 – Concepts and Roles)  
(cf. 3300 – Expenditures/Expending Authority)  
(cf. 3460 – Financial Reports and Accountability)  
(cf. 9000 – Role of the Board)

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations. (Education Code 42122)

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127.

The Superintendent or designee may appoint a budget advisory committee. The committee shall provide recommendations to the Superintendent during the budget development process. Duties of the committee shall be clearly defined and communicated to all members.

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15443.

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures. In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption and/or other significant changes occur that impact budget projections.

**Business and Non-instructional Operations**

**Budget (continued)**

(cf. 3110 – Transfer of Funds)

Legal Reference:

EDUCATION CODE

- 33127 Development of standards and criteria for local budgets and expenditures
- 33128 Standards and criteria
- 33129 Standards and criteria; use by local agencies
- 33035 Powers and duties of superintendent
- 35161 Powers and duties, generally, of governing boards
- 42103 Public hearing on proposed budget; requirements for content of proposed budget; publication of notice of hearing
- 42103.3 Public budget information; CDE sampling and suggested improvements
- 42120-42129 – Budget requirements
- 42132 Resolutions identifying estimated appropriations limit
- 42602 Use of unbudgeted funds
- 42610 Appropriation of excess funds and limitation thereon

GOVERNMENT CODE

7900-7914 Expenditure limitations

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure

15440-15452 Criteria and standards for school district budgets

Policy Adopted: March 23, 1987

Policy Revised: October 24, 2005

## **Business and Non-instructional Operations**

### **Budget**

#### **Budget Adoption and Submission Process**

Before adopting the district budget for the subsequent fiscal year, the Board of Trustees shall hold a public hearing. An agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127)

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates and times at which the proposed budget may be inspected, as well as the location, date and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days before the hearing.

During the hearing, any district resident may speak to the proposed budget or any item in the budget. The hearing may conclude when all residents who so desire have had the opportunity to be heard. (Education Code 42103)

(cf. 9320 – Meetings and Notices)

(cf. 9323 – Meeting Conduct)

The district's budget shall be presented in the format prescribed by the Superintendent of Public Instruction. (Education Code 42126)

The Superintendent or designee shall file the adopted budget with the County Superintendent of schools no later than five days after adoption or by July 1, whichever occurs first. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

(cf. 1340 - Access to District Records)

If possible, no later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which are consequently necessary. (Education Code 42127)

If the County Superintendent disapproves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting in September. (Education Code 42127)

**Business and Non-instructional Operations**

**Budget (continued)**

Before revising the budget, the Board shall hold a second public hearing in accordance with Education Code 42103. (Education Code 42127)

The revised budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## Business and Non-instructional Operations

## Fund Balance Policy

Effective: Fiscal Year 2010/11

The Board of Trustees hereby establishes and will maintain reserves of Fund Balance, as defined herein, in accordance with Governmental Accounting and Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This Policy shall apply only to the District's governmental funds. The Policy is intended to provide guidelines for the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfall. It is also intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget.

The Fund Balance refers to the difference between assets and fund liabilities in the governmental funds balance sheet and is referred to as fund equity.

It consists of five categories: Non-spendable, Restricted, Committed, Assigned, and Unassigned.

- Non-spendable Fund Balance consists of funds that cannot be spent due to their form (e.g. inventories and prepaid purchases) or funds that are legally or contractually required to be maintained intact.
- Restricted Fund Balance consists of funds that are mandated for a specific purpose by external resource providers (such as grantors), or enabling legislation. Restrictions may be changed or lifted only with the consent of the resource providers.
- Committed Fund Balance consists of funds that are set aside for a specific purpose by the District's highest level of decision-making authority (Board of Trustees). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- Assigned Fund Balance consists of funds that are set aside with the intent to be used for a specific purpose by the District's highest level of decision-making authority or a designee that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- Unassigned Fund Balance consists of excess funds that have not been classified in the four categories above. All funds in this category which is not obligated or specifically designated are considered available for any purpose. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfall.

## **Business and Non-instructional Operations**

### **Fund Balance Policy (continued)**

#### Non-spendable and Restricted Funds

Non-spendable funds are those funds that cannot be spent because they are either: (1) Not in spendable form (e.g. inventories and prepaid purchases) or (2) legally or contractually required to be maintained intact. It is the responsibility of the Assistant Superintendent of Administrative Services to report all Non-spendable Funds appropriately in the District's Financial Statements.

Restricted funds are those that have constraints placed on their use either: (1) Externally by creditors, grantors, contributors, or laws or regulations or other government agencies or (2) By law through constitutional provisions or enabling legislation. It is the responsibility of the Assistant Superintendent of Administrative Services to report all Restricted Funds appropriately in the District's Financial Statements.

#### Authority to Commit Funds

The District's Board of Trustees having the highest level of decision-making authority has the authority to establish funds for a specific purpose through the passage of budget adoption or a resolution by a simple majority vote. Committed Funds may also be modified, or rescinded by the same method. The passage of a resolution must take place prior to June 30<sup>th</sup> of the applicable fiscal year. If the actual amount of the commitment is not available by June 30<sup>th</sup>, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

#### Authority to Assign Funds

Upon passage of the Fund Balance Policy, authority is given to the District's Assistant Superintendent of Administrative Services to assign funds for specific purposes. Any funds set aside as Assigned Fund Balance must be reported to the District's Board of Trustees at their next regular meeting. The Board of Trustees has the authority to remove or change the assignment of the funds with a simple majority vote.

The District's Board of Trustees also has the authority to set aside for the intended use of a specific purpose. Any funds set aside as Assigned Fund Balance requires a simple majority vote. The same action is required to change or remove the assignment.

## **Business and Non-instructional Operations**

### **Fund Balance Policy (continued)**

#### Unassigned Fund Balance

Unassigned Fund Balance is the residual net amount in excess of what can properly be classified in one of the other four fund balance categories. It represents the resources available for future spending.

For financial statement reporting purposes Unassigned Fund Balance reserves include the Reserve for Economic Uncertainty. The District will maintain an Economic Uncertainty Reserve pursuant to the Criteria and Standards for fiscal solvency adopted by the State Board of Education (SBE).

The District is committed to maintaining a prudent level of financial resources to protect against the need to reduce service levels because of revenue shortfalls, unpredicted expenditures, or planned deficit spending. Due to the District's small size, it is prudent to maintain an additional two (2) percent above the SBE level to provide a buffer for cash-flow needs and if financial difficulties arise and commitments cannot be reduced within the reporting period. When stable funding from the state exists, for two consecutive years, excluding deficit reduction funding, the Economic Uncertainty Reserve will be increased by two percent above SBE level. Stable funding is defined as receipt of fully funded revenue limit Cost of Living Adjustment (COLA). When state COLA is not fully funded for two consecutive years, the SBE minimum will apply.

#### Classifying Fund Balance Amounts

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned, and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds should be spent second, and unassigned funds should be spent last; unless the Board of Trustees has provided otherwise in its commitment or assignment actions.

#### Reference:

Governmental Accounting Standards Board (GASB) Statement No. 54

Policy Approved: June 20, 2011



## **Business and Non-instructional Operations**

### **Transfer Of Funds**

Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications by the Governing Board on adoption of a resolution by a majority vote.

The resolution must be approved by the County Superintendent of Schools and filed with the county auditor. (Education Code 42600)

### **End-of-the-Year Procedures**

At the close of the school year, the County Superintendent of Schools may, with the consent of the Board, identify and make transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification(s) or balance any budget expenditure classifications as necessary to permit the payment of obligations incurred by the district during that school year. (Education Code 41301, 42601)

### **Temporary Transfers Between Classifications**

The Board may direct that monies held in any fund or account may be temporarily transferred from one or more of these accounts to another fund or account to be used for the payment of obligations of the district, with limitations as set by Education Code 42603. The transfer shall be accounted for as temporary borrowing and shall not be available for appropriation or be considered income to the borrowing fund or account. (Education Code 42603)

### **Special Reserve Funds**

Upon resolution of the Board, a special reserve fund may be established for such purpose(s) as specified in the resolution. A copy of the resolution shall be filed with the County Superintendent of Schools, as well as the county auditor and treasurer. As necessary, the Board may amend the resolution to specify additional purposes or to withdraw any previously designated purpose. (Education Code 42841)

The Board may expend the money in the special reserve fund for capital outlay for the purpose specified in the resolution. In addition, unless encumbered for ongoing expenses, the Board may expend money in the fund for the general operating purposes of the district. Any money in a special reserve fund that is maintained for purposes other than capital outlay must be transferred into the district's general fund before it is expended. (Education Code 42842)

**Business and Non-instructional Operations**

**Transfer Of Funds (continued)**

Deferred Maintenance Funds

Funds deposited in the district's deferred maintenance fund may be received from any source and shall only be expended for maintenance purposes as provided for in Education Code 17582(a). (Education Code 17582)

Upon resolution of the Board, excess local funds deposited in the deferred maintenance fund may be transferred to other expenditure classifications when state funds provided pursuant to Education Code 17584 and 17585 are insufficient to fully match the local funds. The resolution shall be approved by a two-thirds vote of the Board and filed with the County Superintendent of Schools and the county auditor. (Education Code 17583)

Legal Reference:

EDUCATION CODE

78 Definition governing board

5200 Districts governed by boards of education

17582 Deferred maintenance fund; establishment; purpose

17583 Deferred maintenance fund; transfer

17584 Budgeting certification deferred maintenance fund; apportionment

17585 Applications for deferred maintenance funding

42125 Designated and unappropriated fund balances

42600 District budget limitation on expenditure

42601 Transfers between funds to permit payment of obligations at close of year

42603 Transfer of monies held in any fund or account to another fund; repayment

42840-42843 Special reserve fund

52616.4 Expenditures from adult education fund

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Lottery Funds**

The Board of Trustees intends to use lottery funds for supplemental and nonrecurring expenditures which support educational programs and activities. In recognition of the fact that amounts received from the California State Lottery fluctuate from year to year, the Board shall not commit lottery funds for any purpose until they have been received.

The Board shall establish funding priorities and approve all allocations within the parameters of law. Lottery funds allocated for the purchase of instructional materials pursuant to Government Code 8880.4 (Proposition 20, March 2000 ballot initiative) shall be expended on instructional materials as defined in Education Code 60010.

"Instructional materials" means all materials that are designed for use by students and their teachers as a learning resource to help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials and tests. (Education Code 60010)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Lottery funds shall not be used to acquire real estate, build school facilities, finance research, or serve any other noninstructional purpose, such as those related to school maintenance, business and administrative operations.

The following criteria for decisions on the use of the Lottery funds shall be used:

1. That the maximum number of students be reached.
2. That the item have a high level of visibility.
3. That the item have a high level of educational value.
4. That the item not otherwise be available

The Board will determine annually the amount of discretionary funds that shall be proportionately allocated to each District site, including the curriculum and IMC divisions of the District Office to be spent in accordance with Criteria 1-4. The determination of such expenditures shall be made at each school site by a committee comprised of:

**Business and Non-instructional Operations**

**Lottery Funds (continued)**

- a. Principal
- b. Teacher – to be selected by the teachers at each site
- c. Classified employee
- d. Parent member of the School Site Council
- e. The President of the PTA (or designee)

Such determination will be submitted to the Board of Trustees for final approval.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)

The Superintendent or designee shall establish a separate account for the receipt and distribution of lottery funds that shall be clearly identified as a lottery education account. (Government Code 8880.5)

(cf. 3100 - Budget)

Legal Reference:

EDUCATION CODE

14600 Legislative findings and declarations: state control of lottery funds

14700-14701 Use of lottery funds

60010 Definitions

60119 Hearings, steps to ensure availability of textbooks and instructional materials

GOVERNMENT CODE

8880-8880.5 California state lottery: general provisions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Transportation Fees**

Because the cost of providing student transportation exceeds funding provided by the state, the Board of Trustees may find it necessary to charge fees for home-to-school student transportation. If necessary, the Board may direct the Superintendent or designee to submit a plan for the charging of fees for transportation.

When necessary, the Superintendent or designee shall annually submit proposed transportation fee schedules for Board approval. If fees collected do not cover the costs for transportation, the Board may consider discontinuing home-to-school transportation services for regular education students.

When appropriate and required by E.C.39807.5, no charge shall be made for any transportation of students whose individualized education program require transportation or whose parents/guardians are determined indigent pursuant to administrative regulations.

(cf. 3540 - Transportation)

(cf. 3541.2 - Transportation for Students with Disabilities)

#### Legal Reference:

##### EDUCATION CODE

10913 Fees for uses of school buses for community recreation purposes

35330 Excursions or field trips

39800-39860 Transportation, especially:

39807.5 Payment of transportation cost; amount of payment

39809.5 Excess fees; adjustments

41850 Home-to-school and special education transportation

49557 Applications for free and reduced price meals

49558 Confidentiality of applications and records

56026 Individuals with exceptional needs

##### CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

##### CODE OF FEDERAL REGULATIONS, TITLE 7

245.8 (a) Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Fees and Charges**

The District shall not charge a pupil fee for participation in an educational activity, except as specifically permitted by state law. All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge. A fee waiver policy shall not make a pupil fee permissible.

The District shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the district.

The following definitions shall apply for purposes of this policy:

(a) "Educational activity" means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

(b) "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.

(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

Complaints of non-compliance with this Board Policy shall be filed in accordance with Administrative Regulation 3260 – Fees and Charges.

## **Business and Non-instructional Operations**

### **Fees and Charges**

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 3250 - Transportation Fees)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5143 - Insurance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 9323.2 - Actions by the Board)

#### Legal Reference:

##### EDUCATION CODE

8263 Child care eligibility

8760-8773 Outdoor science and conservation programs

17551 Property fabricated by students

19910-19911 Offenses against libraries

32033 Eye protective devices

32221 Insurance for athletic team member

32390 Fingerprinting program

35330-35332 Excursions and field trips

35335 School camp programs

38080-38085 Cafeteria establishment and use

38119 Lease of personal property; caps and gowns

38120 Use of school band equipment on excursions to foreign countries

39807.5 Payment of transportation costs

39837 Transportation of students to places of summer employment

48050 Residents of adjoining states

48052 Tuition for foreign residents

48904 Liability of parent or guardian

49010-49013 Pupil Fees

49066 Grades, effect of physical education class apparel

49091.14 Prospectus of school curriculum

51810-51815 Community service classes

52612 Tuition for adult classes

52613 Nonimmigrant aliens

60410 Students in classes for adults

##### GOVERNMENT CODE

905 Claims for money or damages

6253 Request for copy; fee

**Business and Non-instructional Operations**

**Fees and Charges**

VEHICLE CODE

21113 Public grounds (parking)

Business and Non-instructional Operations

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

UNITED STATES CODE, TITLE 8

1184 Foreign Students

COURT DECISIONS

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

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

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

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

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

Management Resources:

CDE MANAGEMENT ADVISORIES

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

WEB SITES

CDE: <http://www.cde.ca.gov>

Policy Approved: February 4, 2013



## **Business and Non-instructional Operations**

### **Fees and Charges**

The District shall charge fees specifically authorized by law and/or approved by legal counsel. (5 CCR 350)

The following fees and charges are permissible if approved by the Governing Board:

1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)  
  
(cf. 5143 - Insurance)
2. Insurance for medical or hospital service for students participating in field trips and excursions. (Education Code 35331)
3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds. (Education Code 35330)  
  
(cf. 6153 - School-Sponsored Trips)
4. Student fingerprinting program (Education Code 32390)  
  
(cf. 5142.1 - Identification and Reporting of Missing Children)
5. School camp programs operated pursuant to Education Code 8760-8774 provided that the fee is not mandatory (Education Code 35335)  
  
(cf. 6142.5 – Environmental Education)
6. Personal property of the District fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the district (Education Code 17551)
7. Home-to-school transportation and transportation between school and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and so long as exemptions are made for indigent and disabled students (Education Code 39807.5)  
  
(cf. 3250 - Transportation Fees)

**Business and Non-instructional Operations**

**Fees and Charges (continued)**

8. Transportation to and from summer employment programs for youth (Education Code 39837)
9. Physical education uniforms  
(cf. 6142.7 - Physical Education)
10. Rental or lease of personal property needed for district purposes, such as caps and gowns used in graduation ceremonies (Education Code 38119)  
  
(cf. 5127 - Graduation Ceremonies and Activities)
11. Deposit for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries. (Education Code 38120)
12. Fees for community service classes (Education Code 51815)
13. Charges for eye safety devices, at a price not to exceed the District's actual costs, in specified courses or activities in which students are engaged in, or are observing, an activity or the use of hazardous substances likely to cause injury to the eyes (Education Code 32033)
14. Actual costs of duplication for copies of public records (Government Code 6253)  
  
(cf. 1340 - Access to District Records)
15. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)  
  
(cf. 5020 - Parent Rights and Responsibilities)
16. Food sold at school subject to free and reduced price meal program eligibility and other restrictions specified in law (Education Code 38084)  
  
(cf. 3551 - Food Service Operations/Cafeteria Funds)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3554 - Other Food Sales)

## **Business and Non-instructional Operations**

### **Fees and Charges (continued)**

17. Fines or reimbursements for lost or damaged district property or damage to library property (Education Code 19910-19911, 48904)  
  
(cf. 3515.4 - Recovery for Property Loss or Damage)
18. Tuition for out-of-state and out-of-country residents (Education Code 48050, 48052, 52613; 8 USC 1184)  
  
(cf. 5111.1 - District Residency)  
(cf. 5111.2 - Nonresident Foreign Students)
19. Adult education books, materials, and classes as specified in law (Education Code 52612, 60410)  
  
(cf. 6200 - Adult Education)
20. Child care and development services (Education Code 8263)  
  
(cf. 5148 - Child Care and Development)
21. Parking on school grounds (Vehicle Code 21113)
22. Charges for optional attendance as a spectator at a school or District sponsored activity (*Hartzell*, 35 Cal.3d 899, 911, fn. 14).

### **Complaints of Noncompliance**

A complaint of noncompliance with the requirements of Article 5.5 of Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code (commencing with Section 49010) may be filed with the principal of a school under the Uniform Complaint Procedures set forth in BP 3260.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.

A complainant not satisfied with the decision of the district may appeal the decision to the State Department of Education and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

**Business and Non-instructional Operations**

**Fees and Charges (continued)**

If the District finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the district to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

Information regarding the requirements of Article 5.5 of Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations. (Education Code 49013.)

Legal Reference:

EDUCATION CODE

8263 Child care eligibility

8760-8773 Outdoor science and conservation programs

17551 Property fabricated by students

19910-19911 Offenses against libraries

32033 Eye protective devices

32221 Insurance for athletic team member

32390 Fingerprinting program

35330-35332 Excursions and field trips

35335 School camp programs

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52612 Tuition for adult classes

52613 Nonimmigrant aliens

60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

**Business and Non-instructional Operations**

**Fees and Charges (continued)**

Legal Reference: (continued)

VEHICLE CODE

21113 Public grounds (parking)

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

UNITED STATES CODE, TITLE 8

1184 Foreign Students

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005; February 4, 2013

## **Business and Non-instructional Operations**

### **Sale And Disposal Of Books, Equipment And Supplies**

The Board of Trustees recognizes that the district may own personal property that is unusable, obsolete or no longer needed by the district. When district-owned books, equipment and supplies become unusable, obsolete, or no longer needed, the Superintendent or designee shall identify these items to the Board of Trustees, together with their estimated value and a recommendation that they be sold or disposed of by one of the methods prescribed in law and administrative regulations. With Board approval, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Contain information rendered inaccurate or incomplete by new discoveries or technologies
2. Have been replaced by more recent versions or editions of the same material and are of no foreseeable value in other instructional areas
3. Contain demeaning, stereotyping or patronizing references to either sex, members of racial, ethnic, religious, vocational or cultural groups or persons with physical or mental disabilities.
4. Have been inspected and discovered to be damaged beyond use or repair

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

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

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

17545-17555 Sale of personal property

42291.5 Temporary school bus designation

42303 School bus sale to another district

60500 Determination of obsolescence

60510-60511 Donation or sale

60520-60521 Disposition of sale proceeds

60530 Methods of destruction

**Business and Non-instructional Operations**

**Sale And Disposal Of Books, Equipment And Supplies (continued)**

Legal Reference: (continued)

GOVERNMENT CODE

25505 District property; disposition; proceeds

UNITED STATES CODE, TITLE 40

484 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Sale And Disposal Of Books, Equipment And Supplies**

The Board of Trustees may dispose of personal property belonging to the district by any of the following methods:

1. If the Board members attending a meeting unanimously agree that the property is worth no more than \$2,500, the Board may designate any district employee to sell the property without advertising. (Education Code 17546)
2. The Board may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. (Education Code 17545)

Notice for bids shall be posted in at least three public places in the district for at least two weeks or published at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, published within the district. (Education Code 17545)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

3. The Board may authorize the sale of the property by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #2 above. (Education Code 17545)
4. Without advertising for bids, the Board may sell the property to agencies of federal, state or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484(j)(3)). In such cases, the sale price shall equal the cost of the property plus estimated cost of purchasing, storing and handling. (Education Code 17540)
5. Without advertising for bids, the Board may sell or lease the property to agencies of federal, state or local government or to any other school district. In such cases, the price and terms of the sale or lease shall be fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)
6. If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)



**Business and Non-instructional Operations**

**Sale And Disposal Of Books, Equipment And Supplies (continued)**

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

**Instructional Materials**

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be donated to any governing board, county free library or other state institution; any United States public agency or institution; any nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing literacy. They also may be sold to any organization that agrees to use the materials for educational purposes. (Education Code 60510)

Any organization, agency or institution receiving obsolete instructional materials from the district shall certify to the Board that it agrees to use the materials for educational purposes and make no charge to any persons to whom the materials are given or lent. (Education Code 60511)

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. By being mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. By being destroyed by any economical means at least 30 days after the Board has given notice to all persons who have requested such notice

(cf. 9323.2 - Actions by the Board)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Sale, Lease, Rental of District-owned Real Property**

The Board of Trustees shall dispose of district property whenever it is apparent the district will have no further use for it. If property currently unused will be needed at some future time, the Board may lease it to a governmental or private agency or individual. (Education Code 17453, 17455-17484)

When required by law, the Board shall appoint a district advisory committee to advise the Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

When surplus property is not sold or leased, the Board shall offer to sell or lease it, with an option to buy, in accordance with the priorities set forth in Education Code 17464 and 17230 and in Government Code 54222.

Any lease or sale made by the Board will conform in all particulars to the provisions of law.

#### Legal Reference:

##### EDUCATION CODE

8469.5 Use of school facilities or grounds for school age child care

17022 Approval of new facilities

17219 Acquisition of property not utilized as school site; nonuse payments; exemptions

17230 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17406 Right of district to lease property under lease providing for construction of building

17453 Lease of surplus district property

17455-17484 Sale or lease of real property

17515-17526 Joint occupancy

17527-17535 Joint use of district facilities

38134 Groups which may use school facilities without charge; charges for use by other groups

##### GOVERNMENT CODE

54222 Offer to sell or lease property

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

**Business and Non-instructional Operations**

**Sale, Lease, Rental of District-Owned Real Property**

The district advisory committee on use or disposition of surplus school buildings or space shall consist of seven to eleven members representative of the following: (Education Code 17389)

1. The district's ethnic, age group and socioeconomic composition
2. The business community, such as store owners, managers or supervisors
3. Landowners or renters, with preference to representatives of neighborhood associations
4. Teachers
5. Administrators
6. Parents of students
7. Persons with expertise in environmental impact, legal contracts, building codes, land use planning, local zoning, and other local land use restrictions

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property
2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community
3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes
4. Make a final determination of limits of tolerance of use of space and real property
5. Send the Governing Board its recommendations regarding uses of surplus space and real property

**Business and Non-instructional Operations**

**Sale, Lease, Rental of District-Owned Real Property (continued)**

Sale, Lease Or Rental For Child Care Purposes

Any surplus real property sold or leased to designated child care providers for child care and development purposes shall comply with legally specified outdoor activity space requirements for child care facilities. The provisions of Education Code 17458 shall apply to any such sale or lease. The use of district facilities or grounds for extended day care services shall be granted only in accordance with the provisions of Education Code 38134. (Education Code 8469.5)

(cf. 1330 - Use of School Facilities)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Gifts, Grants and Bequests**

The Board of Trustees may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

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

Before accepting a gift, the Board shall consider whether the gift:

1. Has a purpose consistent with the district's philosophy and goals.
1. Begins a program which the Board would be unable to continue when the donated funds are exhausted
3. Entails undesirable or excessive costs
4. Implies endorsement of any business or product

(cf. 1325 - Advertising and Promotion)

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular district criteria.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

All gifts, grants and bequests shall become district property. Donors are encouraged to donate all gifts to the district rather than to a particular school. At the Superintendent or designee's discretion, a gift may be used at a particular school.

**Business and Non-instructional Operations**

**Gifts, Grants and Bequests (continued)**

Legal Reference:

EDUCATION CODE

1834 Acquisition of materials and apparatus

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

41030 School district may invest surplus monies from bequest or gifts

41031 Special fund or account in county treasury

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

41035 Advisory committee

41036 Function of advisory committee

41037 Rules and regulations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Expenditures/Expending Authority**

The Superintendent or designee may purchase supplies, materials, equipment, and services up to the amounts specified in Public Contract Code 20111 beyond which a competitive bidding process is required.

(cf. 3310 - Purchasing Procedures)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer by the Governing Board.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

All transactions entered into by the Superintendent or designee on behalf of the Board shall be reviewed by the Board every 60 days. (Education Code 17605)

No district funds shall be expended for the purchase of alcoholic beverages. (Education Code 32435)

The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

#### Legal Reference:

##### EDUCATION CODE

17604 Delegation of powers to agents; liability of agents

17605 Delegation of authority to purchase supplies and equipment

32435 Prohibited use of public funds

35010 Control of district; prescription and enforcement of rules

35035 Powers and duties of superintendent

35272 Educational and athletic materials

38083 Purchase of perishable foodstuffs and seasonal commodities

41010 Accounting system

41014 Requirement of budgetary accounting

##### PUBLIC CONTRACT CODE

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Purchasing Procedures**

The Superintendent or designee shall maintain effective purchasing procedures in order to ensure that maximum value is received for money spent by the district and that records are kept in accordance with law.

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs and trade-in values shall be considered when determining the most economical purchase price.

(cf. 3314.2 - Revolving Funds)

(cf. 3440 - Inventories)

All purchases shall be made by formal contract or purchase orders, or shall be accompanied by a receipt and paid by reimbursement..

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3312 - Contracts)

#### Legal Reference:

##### EDUCATION CODE

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

17605 Delegation of authority to purchase supplies and equipment

35250 Duty to keep certain records and reports

##### GOVERNMENT CODE

4331 Preference to supplies manufactured or produced in state

##### PUBLIC CONTRACT CODE

3410 U.S. produce and processed foods

12168 Preference for recycled paper products

12210 Purchase of recycled products

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005



**Business and Non-instructional Operations**

**Purchasing Procedures**

Preferred Products

Whenever recycled products of equal fitness and quality are available at no more than the cost of nonrecycled products, the district may purchase recycled products. The district also may give preference to the suppliers of recycled products. (Public Contract Code 12168, 12210)

Price, fitness and quality being equal, the district shall give preference to supplies manufactured, grown or produced in California, and shall next prefer supplies partially manufactured, grown or produced in California. (Government Code 4331)

When purchasing food, the district shall give preference to produce grown in the United States and/or processed in the United States insofar as this is economically feasible considering the total cost, quantity and quality of the food. (Public Contract Code 3410)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Bids**

The district shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the district to do so.

When the Board has determined that it is in the best interest of the district, the Board may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

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

(cf. 9270 - Conflict of Interest)

#### Legal Reference:

##### EDUCATION CODE

- 17595 Purchases through Department of General Services
- 38083 Purchase of perishable foodstuffs and seasonable commodities
- 38110 Purchase of supplies through county superintendent
- 38111 Purchases by district governing board
- 38112 Purchases of necessary supplies
- 39802 Transportation bids and contracts for services

##### GOVERNMENT CODE

- 4330-4334 Preference of California-made materials
- 6252 Definition of public record
- 53060 Special services and advice
- 54201-54205 Purchase of supplies and equipment by local agencies

##### PUBLIC CONTRACT CODE

- 2000-2001 Responsive bidders
- 3400 Bids, specifications by brand or trade name not permitted
- 3410 United States produce and processed foods
- 6610 Bid visits
- 12161 Definitions, recycled paper products

**Business and Non-instructional Operations**

**Bids (continued)**

Legal Reference: (continued)

**PUBLIC CONTRACT CODE**

- 12168 Preference for purchase of recycled paper products
- 12169 Bidders to specify percentage of recycled paper product
- 12200 Definitions, recycled goods, materials and supplies
- 12210 Purchase of recycled products preferred
- 12213 Specification by bidder of recycled content
- 20103.8 Award of contracts
- 20107 Bidder's security
- 20111-20118.4 School districts
- 20189 Bidder's security, earthquake relief
- 22002 Definition of public project
- 22030-22045 Alternative procedures for public projects (UPCCAA)
- 22050 Alternative emergency procedures

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Bids**

#### Advertised Bids

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. (Public Contract Code 20111)

"Public project" includes construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a district owned, leased or operated facility. (Public Contract Code 22002)

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding \$59,600 for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the district
2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
3. Repairs, including maintenance that is not a public project

"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. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

## **Business and Non-instructional Operations**

### **Bids (continued)**

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

#### Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the district or if no such paper exists then in some newspaper of general circulation, circulated in the county, at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory pre-bid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the postconsumer and secondary waste content. (Public Contract Code 12169, 12213)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
  - a. Cash
  - b. A cashier's check made payable to the district

## **Business and Non-instructional Operations**

### **Bids (continued)**

- c. A certified check made payable to the district
- d. 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, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)

- 3. 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)
- 4. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
- 5. 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, depending on the availability of funds, 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 #a, below, will be used: (Public Contract Code 20103.8)
  - a. The lowest bid shall be the lowest bid price 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 taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.
  - d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.

## **Business and Non-instructional Operations**

### **Bids (continued)**

6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

### **Bids Not Required**

Upon a determination that it is in the best interest of the district, the Board may authorize the purchase, lease or contract for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)

(cf. 3310 - Purchasing Procedures)

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 commodities such as foodstuffs may be purchased through bid or on the open market, depending on district preference. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

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, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

(cf. 9323.2 - Actions by the Board)

## **Business and Non-instructional Operations**

### **Bids (continued)**

Bids shall also not be required for day labor under circumstances specified in law. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Whenever the total number of hours on the job does not exceed 350 hours, day labor may be used to erect new buildings and for the following purposes: (Public Contract Code 20114)

1. School building repairs, alterations, additions
2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

### **Sole Sourcing**

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality or utility and follow the description with the words "or equal." (Public Contract Code 3400)

Specifications for contracts may designate a product by brand or trade name (sole sourcing) when one or more of the following conditions apply: (Public Contract Code 3400)

1. The product is designated to match others in use on a particular public improvement that has been completed or is in the course of completion.
2. One product has a unique application required to be used in the public interest.
3. Only one brand or trade name is known.
4. Upon resolution of the Board, the Board makes a finding that the item sought is the subject of a field test to determine its suitability for future use.



## **Business and Non-instructional Operations**

### **Bids (continued)**

#### Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The 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. (Public Contract Code 20111.5)

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. Bidders must be deemed prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

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. (Public Contract Code 20111.5)

#### Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy or the bid's specifications or was not in compliance with law.

A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to timely file a protest shall constitute a waiver of his/her 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 days. The Superintendent or designee also may convene a meeting with the bidder in order to attempt to resolve the problem.

**Business and Non-instructional Operations**

**Bids (continued)**

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the contract award. The Board's decision shall be final.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Contracts**

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

(cf. 3300 - Expenditures/Expending Authority)  
(cf. 3314 - Payment for Goods and Services)  
(cf. 3400 - Management of District Assets/Accounts)

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

(cf. 2121- Superintendent's Contract)  
(cf. 4312.1 - Contracts)  
(cf. 9124 - Attorney)

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. (Government Code 12990)

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

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

(cf. 3100 - Budget)  
(cf. 3400 - Management of District Assets/Accounts)  
(cf. 3460 - Financial Reports and Accountability)  
(cf. 3290 - Gifts, Grants and Bequest)

To ensure that funds raised by the contract benefit district schools and students:

1. Prior to ratifying the contract, the Board may 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.

**Business and Non-instructional Operations**

**Contracts (continued)**

(cf. 0100 - Philosophy)  
(cf. 0200 - Goals for the School District)

2. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

(cf. 1230 - School-Connected Organizations)  
(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 3554 - Other Food Sales)

The contract may 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)

(cf. 3311 - Bids)  
(cf. 1340 - Access to District Records)

**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.

(cf. 9320 - Meetings and Notices)

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

(cf. 0440 - District Technology Plan)  
(cf. 6162.7 - Use of Technology in Instruction)

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.

(cf. 1325 - Advertising and Promotion)

**Business and Non-instructional Operations**

**Contracts (continued)**

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

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

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Educational Travel Program Contracts**

The Board of Trustees believes that field trips and other travel opportunities for students are a valuable tool in supporting classroom instruction and promoting students' awareness of places and events. In contracting with organizations to provide educational travel services, the Board desires to ensure a quality educational experience and the health, safety and welfare of each student traveler.

The Superintendent or designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.

(cf. 3312 - Contracts)

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

(cf. 6153 - School-Sponsored Trips)

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

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of boards

35160.1 Broad authority of school districts

##### BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

17550-17550.9 Sellers of travel

17552-17556.5 Educational travel organizations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Educational Travel Program Contracts**

#### Definitions

Educational travel organization or organization means a person, partnership, corporation, or other entity which offers educational travel programs for students residing in California. (Business and Professions Code 17552)

Student traveler or student means a person who is enrolled in elementary or secondary school, grades kindergarten through grade 12, at the time an educational travel program is arranged with an educational travel organization. (Business and Professions Code 17552)

Educational travel program means travel services that are arranged through or offered to an elementary or secondary school in the state, and where the services are represented to include an educational program as a component. (Business and Professions Code 17552)

Owner means a person or organization which owns or controls 10 percent or more of the equity of, or otherwise has claim to 10 percent or more of the net income of, the educational travel organization. (Business and Professions Code 17554)

Principal means an owner, an officer of a corporation, a general partner of a partnership, or a sole proprietor of a sole proprietorship. (Business and Professions Code 17554)

#### Contract Requirements

The Superintendent or designee shall ensure that each written contract with an educational travel organization includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
2. An itemized statement which shall include but not be limited to:
  - a. Services to be provided as part of the program
  - b. Agreed cost for the services
  - c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage

**Business and Non-instructional Operations**

**Educational Travel Program Contracts (continued)**

- d. Any additional costs to students
  - e. The qualifications, if any, for experience and training that are required to be met by the educational travel organization's staff who shall accompany students on the educational travel program
3. A written description of the educational program being contracted for, including a copy of all materials to be provided to students
  4. The number of times the educational travel program or a substantially similar educational travel program proposed by the contract has been conducted by the organization and the number of students who completed the program
  5. The length of time the organization has either been arranging or conducting educational travel programs and, at the option of the organization, other travel services with substantially similar components
  6. The name of each owner and principal of the organization
  7. A statement as to whether any owner or principal of the organization has had entered against him or her any judgment, including a stipulated judgment, order, made a plea of nolo contendere been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

District staff shall inform all vendors representing educational travel organizations that they may not arrange a travel program before the district has first entered into a written contract with the organization.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005



## **Business and Non-instructional Operations**

### **Payment for Goods and Services**

The Board of Trustees desires to have invoices paid on time in order that the district may take advantage of available discounts and avoid finance charges. The district shall not be responsible for unauthorized purchases.

(cf. 3300 - Expenditures/Expending Authority)

(cf. 3312 - Contracts)

(cf. 3314.2 - Revolving Funds)

(cf. 3400 - Management of District Assets/Accounts)

The Superintendent or designee may pay invoices in excess of previously approved purchase order amounts without further Board approval when the excess amount represents sales tax, transportation charges or charges made for the detention of a shipment during loading or unloading.

The Board authorizes for payment only those goods and services that have met the following conditions:

1. Approved by the Board of Trustees at a regularly called meeting.
2. Contracted for within budgetary limits.
3. Purchased according to applicable purchasing policies and regulations.
4. Certified by the Superintendent or other designated employee to pay in advance for certain materials, if a decrease in cost is possible or if the material is unavailable to the district without advance payment.

Legal Reference:

EDUCATION CODE

42630-42651 General provisions - orders, requisitions and warrants

42800-42806 Revolving cash fund

42810 Alternative revolving fund

42820 Prepayment funds

GOVERNMENT CODE

5500 Definitions (facsimile signatures)

5501 Filing and certification of manual signature

5503 Unlawful use of facsimile signatures or seals

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

PUBLIC CONTRACT CODE

7107 Retention proceeds; withholding; disbursement

20104.50 Construction progress payments

Policy Adopted: March 23, 1987      Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Revolving Funds**

#### District Revolving Fund

The Board of Trustees has established by resolution a revolving cash fund for use by the Superintendent or designee in paying for goods, services and other charges determined by the Board, including supplemental payments required to correct any payroll errors. (Education Code 42800-42806, 45167)

At the request of the Board, County Auditor or County Superintendent of Schools, the Superintendent or designee shall give an account of the fund. (Education Code 42804)

#### Additional Revolving Funds

The Board also may, by resolution, establish revolving cash funds for use by school principals and other administrative officials to pay for goods and services. The total amount of the funds shall not exceed three percent of the current year's instructional supply budget. (Education Code 42810)

No funds maintained in a revolving fund shall be used in an attempt to influence government decisions, for entertainment purposes, or for any other purpose not related to classroom instruction. (Education Code 42810)

The Board shall name the administrators who will have use and control of the funds. Officials so named shall be responsible for all payments into the accounts as well as expenditures from the accounts, subject to restrictions established by the Board.

The revolving cash fund for supplies shall be subject to the bonding provisions of Education Code 42801.

(cf. 3530 - Risk Management/Insurance)

The Board shall provide an audit of revolving funds on a regular basis. (Education Code 42810)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

41020 Audits of all district funds

42238 Local taxation by school districts

42800-42806 Revolving cash fund

42810 Revolving cash funds; use; administrators

45167 Error in salary

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Relations With Vendors**

No district employee shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

Holiday and/or occasionally gifts of food, candy and other amenities that are given to a school or district facility for the benefit or use by all the employees at that site are not prohibited by this policy as long as the gift does not imply favored treatment for any vendor or company as determined by the Superintendent or designee.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 9270 - Conflict of Interest)

This policy does not prohibit the acceptance of materials and/or services which are of use and benefit to the district.

(cf. 3290 - Gifts, Grants and Bequests)

Legal Reference:

EDUCATION CODE

60071 Prohibited offers to influence adoption or purchase of instructional materials

60072 Acceptance of consideration or inducements by school official

60073 Penalties for violation of article

60074 Supplying sample copies

60075 Receiving sample copies

60076 Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Claims And Actions Against The District**

Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with Board policy and administrative regulation.

Compliance with this policy and accompanying administrative regulation is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with district policies and procedures and the claims procedures set forth in the Government Code.

The Board of Trustees may delegate to the Superintendent the authority to allow, compromise or settle claims of \$50,000 or less. (Government Code 935.4)

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

#### **Roster of Public Agencies**

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. Any changes to such information shall be filed as soon as possible after the change in facts. (Government Code 53051)

This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and other members of the Board. (Government Code 53051)

#### **Legal Reference:**

##### **EDUCATION CODE**

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

##### **GOVERNMENT CODE**

800 Cost in civil actions

810-996.6 Claims and actions against public entities

53051 Information filed with secretary of state and county clerk

##### **PENAL CODE**

72 Fraudulent claims

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Claims And Actions Against The District**

#### Time Limitations

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)
3. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

#### Late Claims

Any person presenting a claim under item #1 or #2 above later than six months after the accrual of the cause of action shall present, along with the claim, an application to file a late claim. Such claim and application to file a late claim shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.4)

If a claim under item #1 or #2 is filed late and is not accompanied by an application to file a late claim, the Board or Superintendent shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The Board or Superintendent shall grant or deny the application to file a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board or Superintendent provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board or Superintendent shall grant the application to file a late claim under any one of the following circumstances: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the district was not prejudiced in its defense of the claim by the failure to present the claim within the time limit.

**Business and Non-instructional Operations**

**Claims And Actions Against The District (continued)**

2. The person who sustained the alleged injury, damage or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Government Code 911.3. (Government Code 911.3)

If the Board or Superintendent does not take action on the application to file a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

**Delivery and Form of Claim**

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the office of the Superintendent or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government, in a sealed envelope properly addressed to the district office with postage paid. (Government Code 915, 915.2)

Claims shall be submitted on the district claim form. The Board or Superintendent may return a claim not using the district's claim form and the claim may be resubmitted using the district's form. (Government Code 910.4)

**Notice of Claim Insufficiency**

The Superintendent shall review all claims for sufficiency of information.

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4, the Board or Superintendent may, within 20 days of receipt of the claim, either personally deliver or mail to the claimant, at the address stated in the claim or application, a notice stating with particularity the defects or omission in the claim. (Government Code 910.8, 915.4)

## **Business and Non-instructional Operations**

### **Claims And Actions Against The District (continued)**

The Superintendent or Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

#### Amendments to Claim

Claims may be amended within the time limits provided under the section entitled "Time Limitations" above or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

#### Action on Claim

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not been commenced or barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Superintendent or designee shall transmit to the claimant written notice of action taken or inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

Regulation Approved: March 23, 1987      Regulation Revised: September 26, 2005; October 24, 2005

CLAIM FORM AGAINST LOWELL JOINT SCHOOL DISTRICT  
Government Code Sections 910 and 910.2

Name of Claimant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Date the injury/damage occurred: \_\_\_\_\_

Place the injury/damage occurred: \_\_\_\_\_

Describe how and under what circumstances the injury/damage occurred: \_\_\_\_\_

What particular action by the district and/or its employees caused the alleged damage or injury:  
(List employee name(s), if known:)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State the amount of the claim if it is less than \$10,000 \$ \_\_\_\_\_

Include the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time this claim is presented and list the basis for the computation of the amount claimed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the dollar amount is more than \$10,000, no dollar amount shall be stated but please indicate whether the claim is a limited civil claim (total dollar amount less than \$25,000):

Limited Civil Case: Yes \_\_\_\_\_ No \_\_\_\_\_

Names, addresses and phone numbers of any witnesses, doctors, and hospitals: \_\_\_\_\_

\_\_\_\_\_

Warning: It is unlawful to knowingly present or cause to be presented any false or fraudulent claim for payment of a loss or injury. Penal Code Section 500 provides that a person who files such a claim may be guilty of a felony punishable by imprisonment and by a fine not exceeding \$50,000

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



NOTICE OF FAILURE TO USE DISTRICT'S CLAIM FORM  
Government Code Section 910.4

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim you presented to the Superintendent or designee on [date] is being returned because it was not presented on the district's claim form as required by Government Code Section 910.4 and in accordance with Board policy and administrative regulation. Because the claim was not presented on the district's form, no action was taken on the claim.

You may resubmit your claim using the district's claim form, which may be obtained at the Lowell Joint School District Office, 11019 Valley Home Avenue, Whittier, CA 90603. Note that your claim must still comply with the time limits in the Government Code specified for filing of such claims. For further information, call (562) 943-0211.

NOTICE OF INSUFFICIENCY  
Government Code Section 910.8

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim presented by you on [date] fails to comply substantially with the requirements of Government Code Sections 910 and 910.2 or with the requirements of the district's claim form provided under Government Code Section 910.4. Specifically, your claim is insufficient because of the following defects or omissions:

Therefore, the claim is being returned to you without further action or consideration. If you wish to pursue this further, you should consult the Government Code or legal counsel.

The Board of Trustees will not take any action on the claim for a period of fifteen (15) days from the date of this notice.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Title of Officer

NOTICE OF FAILURE TO FILE IN A TIMELY MANNER  
Government Code Section 911.3

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim you presented to the Superintendent or designee on [date] is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to Lowell Joint School District for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**DENIAL OF APPLICATION TO FILE A LATE CLAIM**  
Government Code Section 911.8

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

Your application to file a late claim presented on [date] has been denied. The Board of Trustees has determined that your claim does not satisfy one of the four conditions listed in Government Code Section 911.6.

**WARNING**

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 945.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

NOTICE OF ACTION TAKEN ON CLAIM  
Government Code Section 913

Dear \_\_\_\_\_:

Notice is hereby given that the claim you presented to the Lowell Joint School District on [date] was [rejected, allowed, allowed in the amount of \$\_\_\_\_\_ and rejected to the balance, rejected by operation of law or other appropriate language, whichever is applicable] on [date of action or rejection by operation of law].

WARNING

Subject to certain exceptions, you have only six (6) months from the date this letter was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Title of Officer

## **Business and Non-instructional Operations**

### **Travel Expenses**

The Board of Trustees shall authorize payment for actual and necessary expenses, including travel, incurred by any Board Member or employee performing authorized services for the district.

The Superintendent or designee may approve Board Member or employee requests to attend meetings in accordance with the adopted budget.

(cf. 4131 - Staff Development)

(cf. 4131.5 - Professional Growth)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Superintendent or designee may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel for which reimbursement will be claimed shall have prior Superintendent or designee approval. Travel expenses not previously budgeted also may be approved on an individual basis by the Superintendent or designee.

(cf. 4133 – Travel/Reimbursement)

(cf. 9240 - Board Development)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

#### Legal Reference:

EDUCATION CODE

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Management Of District Assets/Accounts**

The Superintendent or designee shall establish and maintain accurate, efficient financial management systems to meet the district's fiscal obligations, produce useful information for financial reports, and safeguard the district's resources. He/she shall ensure that the district's accounting system provides ongoing internal controls and meets generally accepted accounting standards.

- (cf. 3100 - Budget)
- (cf. 3300 - Expenditures/Expending Authority)
- (cf. 3312 - Contracts)
- (cf. 3460 - Financial Reports and Accountability)

### **Capital Assets**

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 for all capital assets.

- (cf. 3440 - Inventories)

### **Fraud Prevention and Investigation**

The Superintendent or designee shall be responsible for the prevention and detection of fraud, financial impropriety or irregularity within the district. Each member of the management team shall be alert for any indication of fraud, financial impropriety or irregularity within his/her area of responsibility.

An employee who suspects fraud, impropriety or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee. The Superintendent or designee shall have primary responsibility for any necessary investigations, in coordination with legal counsel and other internal or external departments and agencies as appropriate.

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

**Business and Non-instructional Operations**

**Management Of District Assets/Accounts (continued)**

Legal Reference:

EDUCATION CODE

14500-14508 Financial and compliance audits

35035 Powers and duties of superintendent

35250 Duty to keep certain records and reports

41010-41023 Accounting regulations, budget controls and audits

42600-42604 Control of expenditures

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

GOVERNMENT CODE

53995-53997 Obligation of contract

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005



## **Business and Non-instructional Operations**

### **Investing**

The Superintendent or designee may deposit in the Los Angeles County Treasury or invest as permitted by law all or part of the special reserve fund of the district or any surplus monies not required for immediate district operations. Any investments shall be limited to securities specified in Government Code 16430, 53601 and 53635.

The Board of Trustees recognizes that the Superintendent or designee has fiduciary responsibility and is subject to prudent investor standards for all investment decisions. As such, district investments must be made with skill, pruden

ce and diligence, with the primary objective of safeguarding the principal of the funds and with the secondary objective of meeting the district's liquidity needs. In order to enhance investment return, the district's third investment objective shall be to generate an investment yield that attains or exceeds a market-average rate of return through economic cycles.

The Board recognizes the importance of overseeing investments made with district funds, including investments by the county treasurer. The Superintendent or designee shall maintain ongoing communication with any county committees established for the purpose of overseeing county investments.

Upon request, the Superintendent or designee will provide to the Board a statement of the district's investment policy or, if all district surplus funds are invested with the county treasurer, the county's investment policy.

(cf. 3020 - Fiscal Policy Team)  
(cf. 3460 - Financial Reports and Accountability)  
(cf. 9270 - Conflict of Interest)

#### Legal Reference:

##### EDUCATION CODE

- 41001 Deposit of money in county treasury
- 41002 General fund deposits and exceptions
- 41002.5 Deposit of certain funds in insured institutions
- 41003 Funds received from rental of real property
- 41015 Authorization of and limitation investment of district funds
- 41017 Deposit of miscellaneous receipts
- 41018 Disposition of money received
- 42840-42843 Special reserve fund

**Business and Non-instructional Operations**

**Investing (continued)**

GOVERNMENT CODE

16430 Eligible securities for investment of surplus moneys

27130-27137 County treasury oversight committees

53600-53609 Investment of surplus

53630-53686 Deposit of funds, especially:

53635 Local agency funds; deposit or investment

53646 Treasurer reports and statements of investment policy

53852.5 Investment term for funds designated for repayment of notes

53859.02 Borrowing by local agency

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Inventories**

The Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

1. All items currently valued in excess of \$500 (Education Code 35168)
2. All items purchased with federal funds that have a useful life of more than one year with an acquisition cost per unit of \$5,000 or more (34 CFR 80.3)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3512 - Equipment)

The Superintendent or designee shall maintain an inventory of all property. The following information must be recorded: (Education Code 35168)

1. Name and description of the property
2. Name of titleholder
3. Serial number or other identification number
4. Cost of the property (a reasonable estimate may be used if original cost is unknown)
5. Acquisition date
6. Location of use
7. Any ultimate disposition data including the date and method of disposal and sale price

A physical inventory shall be conducted and the results reconciled with the property records. (34 CFR 80.32)

Each school shall maintain a copy of its inventory and provide a copy of this inventory to the district office. Copies of all district inventories shall be kept at the district office.

**Business and Non-instructional Operations**

**Inventories (continued)**

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

16023 Class 1 - Permanent records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

2301-2471 Carl D. Perkins Vocational Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administration requirements for grants to state and local governments

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Student Activity Funds**

Student organizations may raise and spend money in order to promote the general welfare, morale and educational experiences of the students. Student funds shall finance worthwhile activities which go beyond those provided by the district. Minutes shall be kept of student organization meetings and shall properly reflect all financial activities.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 3554 - Other Food Sales)

With Board of Trustees' approval, student funds shall be held or invested in one of the following ways:

1. Deposited or invested in a federally insured bank or savings and loan; or in a state or federally insured credit union. (Education Code 48933)
2. Invested in U.S. savings bonds or obligations. (Education Code 48933)

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a Board-designated official, the certificated employee who is the student organization advisor and a student organization representative. (Education Code 48933)

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The Superintendent or designee shall periodically review the organizations' general financial structures and accounting procedures.

The Board shall provide an annual audit of student accounts by a certified public accountant or licensed public accountant. Auditing cost shall be paid from district funds. (Education Code 41020)

(cf. 3400 - Management of District Assets/Accounts)

Legal Reference:

EDUCATION CODE

41020 Requirement for annual audit

48930-48938 Student body organization

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Financial Reports And Accountability**

The Board of Trustees is committed to ensuring the fiscal health of the district and providing public accountability. The Board shall adopt sound fiscal policies, oversee the district's financial condition and ensure that the financial systems support the district's goals for student achievement.

- (cf. 3100 - Budget)
- (cf. 3110 - Transfer of Funds)
- (cf. 3300 - Expenditures/Expending Authority)
- (cf. 3430 - Investing)
- (cf. 9000 - Role of the Board)

The Superintendent or designee shall regularly keep the Board informed about the district's finances and shall submit timely financial reports so that the Board can take appropriate action to ensure the district's financial stability as required by law.

The Superintendent or designee shall ensure that all 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.

- (cf. 3400 - Management of District Assets/Accounts)
- (cf. 3440 - Inventories)

#### Legal Reference:

##### EDUCATION CODE

- 14500-14508 Financial and compliance audits
- 17150 Public disclosure of non-voter-approved debt
- 33127 Standards and criteria for local budgets and expenditures
- 33128 Standards and criteria; inclusions
- 33129 Standards and criteria; use by local agencies
- 35035 Powers and duties of superintendent
- 41010-41023 Accounting system
- 41344 Repayment of apportionment significant audit exceptions
- 41344.1 Appeals of audit findings
- 41455 Examination of financial problems of local districts
- 42100-42105 Requirement to prepare and file annual statement
- 42127.6 School district operations monitoring; financial obligation nonpayment
- 42130-42134 Financial reports and certifications
- 42140-42142 Public disclosure of fiscal obligations

**Business and Non-instructional Operations**

**Financial Reports And Accountability (continued)**

GOVERNMENT CODE

3540.2 School district; qualified or negative certification; proposed agreement review and comment

16429.1 Local agency investment fund

53646 Reports of investment policy and compliance

CODE OF REGULATIONS, TITLE 5

15453-15463 Criteria and standards for school district interim reports

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Financial Reports And Accountability**

#### Interim Reports

The Superintendent or designee shall submit two interim fiscal reports to the Board of Trustees, the first report covering the district's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the district for public review. (Education Code 42130)

(cf. 1340 - Access to District Records)

Within 45 days after the close of the period reported, the Board shall assess these reports of the district's financial condition on the basis of criteria adopted by the State Board of Education pursuant to Education Code 33127 and on current information regarding the adopted state budget, district property tax revenues if any, and ending balances for the preceding year. The Board shall approve the fiscal reports and send them to the County Superintendent of Schools in a format or on forms prescribed by the Superintendent of Public Instruction. In addition, the Board shall submit its certification of the district's financial status based on current projections, in accordance with the following: (Education Code 42130, 42131; 5 CCR 15453-15463)

1. "Positive certification" will indicate that the district will meet its financial obligations for the current fiscal year and subsequent two fiscal years.
2. "Qualified certification" will indicate that the district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.
3. "Negative certification" will indicate that the district will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year.

If the second interim report of the fiscal year is accompanied by a qualified or negative certification as determined by the Board or subsequently by the County Superintendent, the Superintendent or designee shall, no later than June 1, provide to the County Superintendent, the Controller and the Superintendent of Public Instruction a financial statement that reports data for the period ending April 30 and projects the district's fund and cash balances as of June 30. (Education Code 42131)

Whenever the district has a qualified or negative certification, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent with all information relevant to provide an understanding of the



**Business and Non-instructional Operations**

**Financial Reports And Accountability (continued)**

financial impact of any final collective bargaining agreement. (Government Code 3540.2)

(cf. 4141/4241 – Collective Bargaining Agreement)  
(cf. 4143.1/4243.1 – Public Notice – Personnel Negotiations)

**Annual Statement of Receipts and Expenditures**

On a form prescribed by the Superintendent of Public Instruction, the Superintendent or designee shall prepare a statement of all receipts and expenditures of the district for the preceding fiscal year. On or before September 15, the Board shall approve this statement and file it with the County Superintendent of Schools. (Education Code 42100)

**Appropriations Limit Report**

The Board shall adopt a resolution by September 30 of each year to identify the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the district during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the Board meeting. (Education Code 42132)

**Audit Report**

By April 1 of each year, the Board shall either provide for an audit of the district's books and accounts or make arrangements with the County Superintendent to provide for that audit. (Education Code 41020)

The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

To conduct the audit, the Board shall select a certified public accountant or public account licensed by the State Board of Accountancy from among those deemed qualified by the State Controller. (Education Code 41020, 41020.5)

The Board shall not select any public accounting firm to provide audit services if the lead audit partner or coordinating audit partner having primary responsibility for the audit or the audit partner responsible for reviewing the audit has performed audit services for the district in each of the six previous fiscal years. (Education Code 41020)

While a firm is performing the audit of the district, it shall not provide any nonauditing, management or other consulting services except as provided in Government Accounting

**Business and Non-instructional Operations**

**Financial Reports And Accountability (continued)**

Standards, Amendment #3, published by the U. S. Government Accounting Office (Education Code 41020)

The audit shall include an audit of income and expenditures by source of funds for all funds of the district, including the student body and cafeteria funds and account and any other funds under the control or jurisdiction of the district, as well as an audit of student attendance procedures. (Education Code 41020)

(cf. 3430 – Investing)

(cf. 3451 – Petty Cash Funds)

(cf. 3452 – Student Activity Funds)

(cf. 3551 – Food Service Operations/Cafeteria Funds)

The district’s audited financial reports shall include:

1. Management’s discussion and analysis, which shall introduce the basic financial statements and provide an analytical overview of the district’s financial activities, including:
  - a. An objective and easily readable analysis of the district’s financial activities based on currently known facts, decisions and conditions
  - b. Comparisons of the current year to the prior year
  - c. An analysis of the district’s overall financial position, enabling a determination as to whether that position has improved or deteriorated as a result of the year’s activities
  - d. An analysis of significant changes that occur in funds and significant budget variances
  - e. A description of capital asset and long-term debt activity during the year
  - f. A description of currently known facts, decisions and conditions that are expected to have a significant effect on the district’s financial position
2. Basic financial statements, including:
  - a. Districtwide financial statements consisting of a statement of net assets and a statement of activities that report all of the assets, liabilities, revenues, expenses and gains and losses of the district.

**Business and Non-instructional Operations**

**Financial Reports And Accountability (continued)**

- b. Fund financial statements, consisting of a series of statements that focus on information about the district's major governmental and enterprise funds, including its blended component units
  - c. Notes to the financial statements that are essential to a user's understanding of the basic financial statements
3. Supplementary information required by the Governmental Standards Accounting Board, including but not limited to budgetary comparison schedules

No later than December 15, the Superintendent or designee shall file the report of the audit for the preceding fiscal year with the County Superintendent, the California Department of Education and the State Controller. (Education Code 41020)

By January 31 of each year, 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 letters. (Education Code 41020.3)

(cf. 9322 - Agenda/Meeting Materials)

**Non-Voter-Approved Debt Report**

Whenever the Board approves the issuance of certificates of participation bonds, revenue bonds or any agreement for financing school construction, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent and the public with related repayment schedules and evidence of the district's ability to repay the obligation. Within 15 days, the County Superintendent and county auditor may comment publicly to the Board regarding the district's capability to repay the debt. (Education Code 17150)

The Superintendent or designee shall plan for the implementation of the Governmental Accounting Standards Board Statement 45, including the procurement of a qualified actuary to perform the required actuarial study. In addition, the Superintendent or designee shall recommend actions to the Board to mitigate the financial impact to the district as a result of this change in the method of accounting for post-employment health and welfare benefits.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Noninstructional Operations**

### **Debt Issuance and Management**

The Governing Board is committed to long-term capital and financial planning and recognizes that the issuance of debt is a key source for funding the improvement and maintenance of school facilities and managing cash flow. Any debt issued by the district shall be consistent with law and this policy.

(cf. 3000 - Concepts and Roles)  
(cf. 3460 - Financial Reports and Accountability)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7210 - Facilities Financing)

The district shall not enter into indebtedness or liability that in any year exceeds the income and revenue provided for such year, unless two-thirds of the voters approve the obligation or one of the exceptions specified in law applies. (California Constitution, Article 16, Section 18)

When the Board determines that it is in the best interest of the district, the Board may issue debt or order an election to issue debt. The Superintendent or designee shall make recommendations to the Board regarding appropriate financing methods for capital projects or other projects that are authorized purposes for debt issuance. When approved by the Board and/or the voters as applicable, the Superintendent or designee shall administer and coordinate the district's debt issuance program and activities, including the timing of issuance, sizing of issuance, method of sale, structuring of the issue, and marketing strategies.

The Superintendent or designee shall retain a financial advisor, municipal advisor, investment advisor, and other financial services professionals as needed to assist with the structuring of the debt issuance and to provide general advice on the district's debt management program, financing options, investments, and compliance with legal requirements. Contracts for services provided by such advisors may be for a single transaction or for multiple transactions, consistent with the contracting requirements in Education Code 17596. In the event that the district issues debt through a negotiated sale, underwriters may be selected for multiple transactions if multiple issuances are planned for the same project. In addition, the district shall select a legal team on an as-needed basis to assist with debt issuances or special projects.

(cf. 3312 - Contracts)  
(cf. 3600 - Consultants)  
(cf. 9270 - Conflict of Interest)

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

#### Goals

The district's debt issuance activities and procedures shall be aligned with the district's vision and goals for providing adequate facilities and programs that support student learning and well-being. When issuing debt, the district shall ensure that it:

1. Maintains accountability for the fiscal health of the district, including prudent management and transparency of the district's financing programs
2. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements
3. Takes practical precautions and proactive measures to avoid financial decisions that could negatively impact current credit ratings on existing or future debt issues
4. Maintains effective communication with rating agencies and, as appropriate, credit enhancers such as bond insurers or other providers of credit or liquidity instruments in order to enhance the creditworthiness, liquidity, or marketability of the debt
5. Monitors the district's statutory debt limit in relation to assessed valuation within the district and the tax burden needed to meet long-term debt service requirements. Meanwhile, pursuant to the provisions of the California Education Code, the district reserves the right and ability to seek a waiver of the limitations of the California Education Code with respect to general obligation bonded indebtedness from the States Board of Education when the Board shall determine such to be appropriate.
6. When determining the timing of debt issuance, considers market conditions, cash flows associated with repayment, and the district's ability to expend the obtained funds in a timely, efficient, and economical manner consistent with federal tax laws
7. Determines the amortization (maturity) schedule which will fit best within the overall debt structure of the district at the time the new debt is issued
8. Considers the useful lives of assets funded by the debt issue, as well as repair and replacement costs of those assets to be incurred in the future
9. Preserves the availability of the district's general fund for operating purposes and other purposes that are not funded by the issuance of voter-approved debt

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

10. Meets the ongoing obligations and accountability requirements associated with the issuance and management of debt under state and federal tax and securities laws

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 7000 - Concepts and Roles)

#### Authorized Purposes for the Issuance of Debt

The district may issue debt for any of the following purposes:

1. To pay for the cost of capital improvements, including acquiring, constructing, reconstructing, rehabilitating, replacing, improving, extending, enlarging, and/or equipping district facilities
2. To refund existing debt
3. To provide for cash flow needs

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

Pursuant to Government Code 53854, general operating costs, including, but not limited to, items normally funded in the district's annual operating budget, shall not be financed from debt payable later than 15 months from the date of issuance. The district may deem it desirable to finance cash flow requirements under certain conditions so that available resources better match expenditures within a given fiscal year. To satisfy both state constitutional and statutory constraints, such cash flow borrowing shall be payable from taxes, income, revenue, cash receipts, and other moneys attributable to the fiscal year in which the debt is issued.

#### Authorized Types of Debt

The Superintendent or designee shall recommend to the Board potential financing method(s) that result in the highest benefit to the district, with the cost of staff and consultants considered. Potential financing sources may include:

1. Short-Term Debt
  - a. Short-term debt, such as tax and revenue anticipation notes (TRANS), when

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

necessary to allow the district to meet its cash flow requirements (Government Code 53850-53858)

- b. Bond anticipation notes (BANs) to provide interim financing for capital bond projects that will ultimately be paid from general obligation bonds (Education Code 15150)
  - c. Grant anticipation notes (GANs) to provide interim financing pending the receipt of grants and/or loans from the state or federal government that have been appropriated and committed to the district (Government Code 53859-53859.08)
  - d. Mello-Roos special tax obligations pursuant to Government Code Section 5331 et seq.
2. Long-Term Debt
- a. General obligation bonds for projects approved by voters (California Constitution, Article 13A, Section 1; Education Code 15100-15262, 15264-15276; Government Code 53506-53509.5)  
  
(cf. 7214 - General Obligation Bonds)
  - b. Special tax bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3)  
  
(cf. 7212 - Mello Roos Districts)
3. Lease financing, either short-term or long-term, including certificates of participation (COPs)
- a. Lease financing to fund capital equipment purchases when pay-as-you-go financing is not feasible (Education Code 17450-17453.1)
  - b. Lease financing to fund facilities projects when there is insufficient time to obtain voter approval or in instances where obtaining voter approval is either not feasible or unavailable (Education Code 17400-17429, 17456)
4. Special financing programs or structures offered by the federal or state government, such

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

as Qualified Zone Academy Bonds or other tax credit obligations or obligations that provide subsidized interest payments, when the use of such programs or structures is determined to result in sufficiently lower financing costs compared to traditional tax-exempt bonds and/or COPs

5. Temporary borrowing from other sources such as the County Treasurer

COPs, TRANs, revenue bonds, or any other non-voter approved debt instrument shall not be issued by the district in any fiscal year in which the district has a qualified or negative certification, unless the County Superintendent of Schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. (Education Code 42133)

#### **Relationship of Debt to District Facilities Program and Budget**

Decisions regarding the issuance of debt for the purpose of financing capital improvement shall be aligned with needs for acquisition, development, and/or improvement of district property and facilities as identified in the district's facilities master plan or other applicable needs assessment, the projected costs of those needs, schedules for the projects, and the expected resources.

The cost of debt issued for major capital repairs or replacements shall be evaluated against the potential cost of delaying such repairs and/or replacing such facilities.

When considering a debt issuance, the Board and the Superintendent or designee shall evaluate both the short-term and long-term implications of the debt issuance and additional operating costs associated with the new projects involved. Such evaluation may include, but is not limited to, the projected ratio of annual debt service to the tax burden on the district's taxpayers and the ratio of annual debt service secured by the general fund to general fund expenditures.

The district may enter into credit enhancement agreements such as municipal bond insurance, surety bonds, letters of credit, and lines of credit with commercial banks, municipal bond insurance companies, or other financial entities when their use is judged to lower borrowing costs, eliminate restrictive covenants, or have a net economic benefit to the financing.

#### **Structure of Debt Issues**

The district shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.



## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

The district shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, ensure cost effectiveness, provide flexibility, and, as practical, recapture or maximize its debt capacity for future use. Principal amortization will be structured to meet debt repayment, tax rate, and flexibility goals.

For new money debt issuances for capital improvements, the district shall size the debt issuance with the aim of funding capital projects as deemed appropriate by the Board, as long as the issuance is consistent with the overall financing plan, does not exceed the amount authorized by voters, and, unless a waiver is sought and received from the state, will not cause the district to exceed the limitation on debt issuances specified in the California Constitution or Education Code 15102, 15106, 15268 or 15270, as applicable.

To the extent practicable, the district shall also consider credit issues, market factors, and tax law when sizing the district's bond issuance. The sizing of refunding bonds shall be determined by the amount of money that will be required to cover the principal of, any accrued interest on, and any redemption premium for the debt to be paid on the call date (or, in the case of cross-over refundings, the interest on the refunding debt to the crossover date) and to cover appropriate financing costs.

Any general obligation bond issued by the district shall mature within 40 years of the issuance date or as otherwise required by law. (California Constitution, Article 16, Section 18; Government Code 53508.6)

The final maturity of equipment or real property lease obligations will be limited consistent with state law.

#### **Method of Sale**

For the sale of any district-issued debt, the Superintendent or designee shall recommend the method of sale with the potential to achieve the lowest financing cost and/or to generate other benefits to the district. Potential methods of sale include:

1. A competitive bidding process through which the award is based on, among other factors, the lowest offered true interest cost
2. Negotiated sale, subject to parameters set by the Board in connection with approval thereof
3. Private placement sale, when the financing can or must be structured for a single or limited

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

number of purchasers or where the terms of the private placement are more beneficial to the district than either a negotiated or competitive sale

#### Investment of Proceeds

The district shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with state law governing the investment of public funds and with the permitted securities covenants of related financing documents executed by the district. Where applicable, the district's official investment policy and legal documents for a particular debt issuance shall govern specific methods of investment of bond-related proceeds. Preservation of principal shall be the primary goal of any investment strategy, followed by the availability of funds and then by return on investment.

(cf. 3430 - Investing)

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

The management of public funds shall enable the district to respond to changes in markets or changes in payment or construction schedules so as to ensure liquidity and minimize risk.

#### Refunding/Restructuring

The district may consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility. When doing so, the district shall consider the maximization of the district's expected net savings over the life of the debt issuance and, when using a general obligation bond to refund an existing bond, shall ensure that the final maturity of the refunding bond is no longer than the final maturity of the existing bond.

#### Internal Controls

The Superintendent or designee shall establish internal control procedures to ensure that the proceeds of any debt issuance are directed to the intended use. Such procedures shall assist the district in maintaining the effectiveness and efficiency of operations, properly expending funds, reliably reporting debt incurred by the district and the use of the proceeds, complying with all laws and regulations, preventing fraud, and avoiding conflict of interest.

(cf. 3314 - Payments for Goods and Services)

(cf. 3400 - Management of District Assets/Accounts)

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

The district shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred as defined in the text of the voter-approved bond measure. (Government Code 53410)

When feasible, the district shall issue debt with a defined revenue source in order to preserve the use of the general fund for general operating purposes.

In addition, the Superintendent or designee shall ensure that the district completes, as applicable, all performance and financial audits that may be required for any debt issued by the district, including disclosure requirements applicable to a particular transaction.

#### **Records/Reports**

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). Such report shall include a self-certification that the district has adopted a policy concerning the use of debt that complies with law and that the contemplated debt issuance is consistent with that policy. (Government Code 8855)

On or before January 31 of each year, the Superintendent or designee shall submit a report to the CDIAC regarding the debt authorized, the debt outstanding, and the use of proceeds of the issued debt for the period from July 1 to June 30. (Government Code 8855)

The Superintendent or designee shall provide initial and any annual or ongoing disclosures required by 17 CFR 240.10b-5 and 240.15c2-12 to the Municipal Securities Rulemaking Board, investors, and other persons or entities entitled to disclosure, and shall ensure that the district's disclosure filings are updated as needed.

The Superintendent or designee shall maintain transaction records of decisions made in connection with each debt issuance, including the selection of members of the financing team, the structuring of the financing, selection of credit enhancement products and providers, and selection of investment products. Each transaction file shall include the official transcript for the financing and pricing information, including interest rates and cost of issuance on the day when the debt was sold ("final number runs"). In addition, documentation evidencing the expenditure of proceeds, the use of debt-financed property by public and private entities, all sources of payment or security for the debt, and investment of proceeds shall be kept for as long as the debt is outstanding, plus the period ending three years after the financial payment date of the debt or the final payment date of any obligations or series of bonds issued to refund directly or indirectly all of any portion of the debt, whichever is later.

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

The Superintendent or designee shall annually report to the Board regarding debts issued by the district, including information on actual and projected tax rates, an analysis of bonding capacity, ratings on the district's bonds, market update and refunding opportunities, new development for California bond financings, and the district's compliance with post-issuance requirements.

#### Exceptions and Modifications

The District acknowledges that the capital marketplace fluctuates, municipal finance products change from time to time, and that issuer and investor supply and demand vary. These fluctuations may produce situations that are not anticipated or covered by this policy. As such, the Governing Board may make exceptions or modifications to this policy to achieve the debt management goals outlined above. Management flexibility is appropriate and necessary in such situations, provided specific authorization is granted by the Governing Board.

#### Policy Development

The Superintendent or designee may develop additional specific elements of a debt management framework through rules and regulations which, along with this policy, shall be reviewed periodically in consideration of changing laws, District needs and market conditions.

#### Legal Reference:

##### EDUCATION CODE

5300-5441 Conduct of elections

15100-15262 Bonds for school districts and community college districts

15264-15276 Strict accountability in local school construction bonds

15278-15288 Citizen's oversight committees

15300-15425 School Facilities Improvement Districts

17150 Public disclosure of non-voter-approved debt

17400-17429 Leasing of district property

17450-17453.1 Leasing of equipment

17456 Sale or lease of district property

17596 Duration of contracts

42130-42134 Financial reports and certifications

##### ELECTIONS CODE

1000 Established election dates

##### GOVERNMENT CODE

8855 California Debt and Investment Advisory Commission

53311-53368.3 Mello-Roos Community Facilities Act

## **Business and Noninstructional Operations**

### **Debt Issuance and Management (continued)**

53410-53411 Bond reporting  
53506-53509.5 General obligation bonds  
53550-53569 Refunding bonds of local agencies  
53580-53595.55 Bonds  
53850-53858 Tax and revenue anticipation notes  
53859-53859.08 Grant anticipation notes  
CALIFORNIA CONSTITUTION  
Article 13A, Section 1 Tax limitation  
Article 16, Section 18 Debt limit  
UNITED STATES CODE, TITLE 15  
78o-4 Registration of municipal securities dealers  
UNITED STATES CODE, TITLE 26  
54E Qualified Zone Academy Bonds  
CODE OF FEDERAL REGULATIONS, TITLE 17  
240.10b-5 Prohibition against fraud or deceit  
240.15c2-12 Municipal securities disclosure  
CODE OF FEDERAL REGULATIONS, TITLE 26  
1.103 Interest on state and local bonds  
1.141 Private activity bonds  
1.148 Arbitrage and rebate  
1.149 Hedge bonds  
1.6001-1 Records

#### Management Resources:

CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS  
California Debt Issuance Primer  
GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS  
An Elected Official's Guide to Debt Issuance, 2nd Ed., 2016  
Understanding Your Continuing Disclosure Responsibilities, Best Practice, September 2015  
Investment of Bond Proceeds, Best Practice, September 2014  
Selecting and Managing Municipal Advisors, Best Practice, February 2014  
Debt Management Policy, Best Practice, October 2012  
Analyzing and Issuing Refunding Bonds, Best Practice, February 2011  
INTERNAL REVENUE SERVICE PUBLICATIONS  
Tax Exempt Bond FAQs Regarding Record Retention Requirements  
Tax-Exempt Governmental Bonds, Publication 4079, rev. 2016  
U.S. GOVERNMENT ACCOUNTABILITY OFFICE PUBLICATIONS  
Internal Control System Checklist  
WEB SITES

**Business and Noninstructional Operations**

**Debt Issuance and Management (continued)**

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

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

Internal Revenue Service: <http://www.irs.gov>

Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA):

<http://www.emma.msrb.org>

U.S. Government Accountability Office: <http://www.gao.gov>

U.S. Securities and Exchange Commission: <http://www.sec.gov>

Policy Adopted: March 4, 2019

## **Business and Non-instructional Operations**

### **Equipment**

Employees and/or students shall use district equipment only for school-related tasks. The Superintendent or designee shall ensure that all employees understand that personal use of district equipment is prohibited unless specific permission has been granted by the Superintendent or designee.

- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 4040 - Employee Use of Technology)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5144 - Discipline)
- (cf. 6163.4 - Student Use of Technology)

The district shall provide comparable basic equipment and supplies for all classes. When equipment cannot be supplied to every class, the Superintendent or designee shall ensure that it will be shared within and among the schools.

- (cf. 6000 - Concepts and Roles)
- (cf. 6171 - Title I Programs)

When school equipment is not being used by students or employees, school-connected organizations may be granted reasonable use of the equipment for school-related matters.

- (cf. 1230 - School-Connected Organizations)
- (cf. 1330 - Use of School Facilities)

The principal shall approve the removal of district-owned equipment from the school site. When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

#### **Transfer of Equipment to a New Site**

Employees transferred to another school shall take with them only those personal items that have been purchased with their own funds. Items paid for by the district, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the districtwide instructional program and with the approval of the Superintendent or designee.

Equipment and materials unique to a special program being moved to the another site may be moved to the new location upon the approval of both principals and with the approval of the Superintendent or designee.

**Business and Non-instructional Operations**

**Equipment (continued)**

Equipment Acquired by Federal Funds

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the district. (5 CCR 3946)

Each principal or designee shall ensure that the following management provisions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
2. Whenever possible, adequate maintenance procedures shall be developed to keep the property in good condition.

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Equipment may be used for a purpose other than that for which it was originally purchased as allowed by law.

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment



**Business and Non-instructional Operations**

**Equipment (continued)**

Legal References: (continued)

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services

16023 Class 1- Permanent records

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 Uniform administration requirements for grants to state and local governments

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Tobacco-Free Schools**

The Board of Trustees recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 3514 – Environmental Safety)  
(cf. 4159/4259/4359 - Employee Assistance Programs)  
(cf. 5030 – Student Wellness)  
(cf. 5131.62 - Tobacco)  
(cf. 5141.23 – Asthma Management)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

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

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

## **Business and Non-instructional Operations**

### **Tobacco-Free Schools**

#### Legal Reference:

##### EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

##### HEALTH AND SAFETY CODE

39002 Control of air pollution from non-vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

##### LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health: use of tobacco products

##### UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act

##### CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

##### PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

#### Management Resources:

##### WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification: <http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>"><http://www.cde.ca.gov/ls/he/at>"><http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards

Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005; March 9, 2015

## **Business and Non-instructional Operations**

### **Tobacco-Free Schools**

#### Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

#### Enforcement/Discipline

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.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Environmental Safety**

The Board of Trustees recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff and community members. The Board shall identify and address potential risks to health and the environment and shall ensure that environmental resources are used in a responsible manner.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514.1 - Hazardous Substances)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5142 - Safety)

(cf. 6161.3 - Toxic Art Supplies)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7150 - Site Selection and Development)

The Superintendent or designee shall establish regulations to prevent and/or reduce environmental hazards in accordance with law and state guidelines. Strategies shall include but not necessarily be limited to:

1. Considering air quality in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings, and taking steps to reduce indoor air contaminants in maintenance operations
2. Ensuring the use of effective least toxic pest management practices at all district schools

(cf. 3514.2 - Integrated Pest Management)

3. Minimizing the exposure to lead in paint, soil or drinking water, especially in areas accessible to very young children
4. Inspecting and testing facilities for asbestos-containing materials and protecting persons during encapsulation and removal of any asbestos

The Superintendent or designee shall notify parents/guardians, as appropriate, if an environmental hazard is discovered at a school site. The notification shall detail the district's efforts to remedy the hazard.

**Business and Non-instructional Operations**

**Environmental Safety (continued)**

Other Environmental Safety Precautions

Principals or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious or otherwise dangerous materials unless adequate safeguards are provided.

(cf. 6161.3 - Toxic Art Supplies)

2. Keep all school facilities free of debris
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions

Legal Reference:

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

FOOD AND AGRICULTURAL CODE

11401-12408 Pest Control Operations and Agricultural Chemicals

13180-13188 Healthy Schools Act of 2000

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

CODE OF REGULATIONS, TITLE 8

340-340.3 Employer's obligation to provide safety information

1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

**Business and Non-instructional Operations**

**Environmental Safety (continued)**

UNITED STATES CODE, TITLE 15

2641-2656 Asbestos Hazard Emergency Response Act

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management Plans

763.94 Record keeping

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Campus Security**

The Superintendent or designee shall ensure that campus security procedures are developed which are consistent with the goals of the district.

(cf. 0450 - Comprehensive Safety Plan)

These procedures shall include strategies and methods to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity.
2. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration, requiring staff and student identification tags, and patrolling places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disturbances)

(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and shall also include students and the community in these projects.

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

4. Control access to keys and other school inventory.

(cf. 3440 - Inventories)

4. Detect and intervene with school crime. These procedures may include an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

(cf. 3515.3 - District Police/Security Department)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

These procedures shall be regularly reviewed and updated in order to reflect changed circumstances and to assess progress in achieving safe school objectives.



**Business and Non-instructional Operations**

**Campus Security (continued)**

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to those employees who regularly need a key in order to carry out normal activities of their position.

The person issued a key shall be responsible for its safekeeping. If a key is lost, the person responsible shall report the loss to the principal or designee immediately and may be required to pay for a replacement key.

Keys shall be used only by authorized employees.

The master key shall not be loaned and the duplication of school keys is prohibited.

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

35294-35294.9 School safety plans

38000-38005 Security patrols

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005



AR 3515

## Business and Non-Instructional Operations

### Campus Security

The Governing Board is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting District property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures, which are consistent with the goals and objectives of the District's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

### Surveillance Systems

The Board of Trustees believes that reasonable use of surveillance cameras will help the District achieve its goals for campus security. In consultation with relevant staff members, the Superintendent or designee has identified appropriate locations for the placement of surveillance cameras. Cameras are not to be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Cameras will not be located in areas such as bathrooms, locker rooms, or private offices. Education Code 51512 prohibits the use of a recording device in a classroom without the prior consent of the teacher and principal. Examples of locations where cameras may generally be used include entrances, hallways, parking lots, and playgrounds.

The cameras will not be monitored in "real time" by trained personnel, but the images will be recorded and later used as "evidence." The District has determined that the system will record images 24 hours a day. Because audio surveillance generally requires a warrant, the District's equipment does not have audio capability.

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the District's surveillance system in the Annual Parent Notice and that matters captured by the camera may be referred to local law enforcement, as appropriate.

Superintendent of Schools: Jim Coombs

Board of Trustees: Karen L. Shaw, Anastasia M. Shackelford, Anthony A. Zegarra, Christine J. Berg, Regina L. Woods



# Lowell Joint School District

*A Tradition of Excellence Since 1906*

*"Home of Scholars and Champions"*



AR 3515

Pursuant to 20 USC 1232(g) (Family Educational Rights and Privacy Act) and Education Code 49061, any recording or image of a student collected by the District is considered a "student record" and thus is subject to those laws regarding access, disclosure, and retention. In addition, a recording or image of a staff member that may be used in a personnel action is subject to the laws regarding personnel records, including an employee's right to comment on derogatory information placed in his/her file.

To the extent that any images from the District's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements. A copy of any video surveillance will not be provided to parents, community members, or the media, unless a subpoena signed by a judge is submitted to the District.

Policy Adopted: January 8, 2024

Superintendent of Schools: Jim Coombs

Board of Trustees: Karen L. Shaw, Anastasia M. Shackelford, Anthony A. Zegarra, Christine J. Berg, Regina L. Woods

## **Business and Non-instructional Operations**

### **Disruptions**

The Board of Trustees is committed to keeping the schools free from disruptions and to keeping unauthorized persons from entering school grounds. The Superintendent or designee shall provide for the prompt removal from school premises of any individual who disrupts or threatens to disrupt normal school operations, threatens the health and safety of students or staff, or causes property damage.

(cf. 1250 - Visitors/Outsiders)

(cf. 0450 - Comprehensive Safety Plan)

#### Legal Reference:

##### EDUCATION CODE

32210 Willful disturbance of public school or meeting: misdemeanor

32211 Threatened disruption or interference with classes; misdemeanor

35160 Authority of governing boards

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

51512 Prohibited use of electronic listening or recording device

##### PENAL CODE

243.5 Assault or battery on school property

415.5 Disturbance of peace of school

626 Definitions

626.4 Notice of withdrawal or consent; report; action on report; reinstatement of consent; hearing; unlawful entry upon campus or facility; punishment

626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions

626.8 Disruptive presence at schools

626.85 Drug offenders; presence on school grounds

626.9-626.10 Gun Free School Zone Act

627-627.10 Access to school premises

653g Loitering about schools or public places

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Disruptions**

The principal or designee may direct a person to leave school grounds when there is a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act. This shall not apply if that person is a student, Governing Board member, parent/guardian of a child attending the school, school employee, or other person required by his/her employment to be on school grounds. (Penal Code 626.7, 626.8)

The principal or designee may also direct a specified sex offender or drug offender to leave school grounds, unless that person is a student at the school, a parent/guardian of a child attending the school, or he/she has prior written permission for entry from the principal or designee. (Penal Code 626.85)

When directing such a person to leave, the principal or designee shall inform the person that he/she will be guilty of a crime if he/she:

1. Remains after being directed to leave (Penal Code 626.8)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.5 - Sex Offender Notification)

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

(cf. 5131.4 - Campus Disturbances)

The principal or designee shall also notify law enforcement as appropriate.

### **Appeal Procedure**

Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

**Business and Non-instructional Operations**

**Disruptions (continued)**

The decision of the Superintendent or designee may be appealed to the Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

**Gun Free School Zone**

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited within 1000 feet of school grounds. (Penal Code 626.9, 626.10)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Recovery for Property Loss or Damage**

The Board of Trustees shall seek reimbursement of damages and rewards from any individual or from the custodial parent/guardian of any minor who commits and act of theft or vandalism.

#### Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the Board of Trustees of the Lowell Joint School District authorizes the payment of a reward of up to \$500 to anyone providing information leading to the determination of the identify, arrest and conviction of any person or persons who willfully damage or destroy school district property.

In the event arrest and conviction are not possible, this reward will be made to anyone whose assistance in providing information leads to the recovery of damages, including the amount of the reward, from vandals and/or their guardians.

The Superintendent or his designee will compile a data file on each case, and with his recommendation for the amount of the reward, will present each case for the Board's consideration and action. Whenever possible, each case will be considered in closed session to protect the anonymity of persons involved.

#### Legal Reference:

##### EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent or guardian for willful misconduct; withholding of grades, diplomas and transcripts

##### CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

##### GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement district

**Business and Non-instructional Operations**

**Recovery for Property Loss or Damage (continued)**

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005



## **Business and Non-instructional Operations**

### **Recovery For Property Loss Or Damage**

#### Reports

District employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.

(cf. 3530 - Risk Management/Insurance)  
(cf. 5131.5 - Vandalism, Theft and Graffiti)

#### Investigation

The Superintendent or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.

The principal or designee shall conduct a complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

(cf. 3515.3 - District Police/Security Department)

#### Recovery of Damages

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting district's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code 48904.

Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs and all other damages as provided by law.

**Business and Non-instructional Operations**

**Recovery For Property Loss Or Damage (continued)**

Payment of Reward

The Superintendent will, with the principal of the school, the Director of Maintenance and the appropriate law enforcement agencies compile the data file for presentation to the Board of Trustees.

Each file will contain, if possible

1. The date and time of the vandalism or damage to school district property.
2. The location and specific details regarding the extent of the damage.
3. The identity of the perpetrator.
4. The name of the law enforcement agency and officer investigating the case.
5. The identity of the individual providing information.
6. The disposition of the case
7. An estimate of the costs for repair or replacement due to damages.
8. The amount for damages recovered to date.
9. Any other information deemed pertinent for the Board's consideration.

Based upon the foregoing, the Superintendent will present a recommendation for a reward at a closed session.

When authorized by the Board of Trustees, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the district.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Sex Offender Notification**

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Board of Trustees believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet website.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

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

(cf. 3515 - Campus Security)

(cf. 5142 - Safety)

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information; 900 number

290.45 Release of sex offender information

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

830.32 School district and community college police

3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Criminal Background Checks For Contractors**

Whenever the district contracts for school and classroom janitorial, school site administrative, school site grounds and landscape maintenance, student transportation, and school site food-related services, the Superintendent or designee shall ensure that the contracting entity certifies in writing that any employees who may come into contact with students have not been convicted of a felony as defined in Education Code 45122.1, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45125.1)

(cf. 3540 - Transportation)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3600 - Consultants)

(cf. 7140 - Architectural and Engineering Services)

On a case-by-case basis, the Superintendent or designee may also require a contracting entity providing school site services, other than those listed above, to comply with these requirements. (Education Code 45125.1)

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.1)

In addition, these requirements shall not apply if the Superintendent or designee determines that the employees of the contracting entity will have limited contact with students. In determining whether a contract employee has limited contact with students, the Superintendent or designee shall consider the totality of the circumstances, including the following factors: (Education Code 45125.1)

1. The length of time the contractors will be on school grounds
2. Whether students will be in proximity with the site where the contractors will be working
3. Whether the contractors will be working by themselves or with others

Upon a determination that an employee shall have limited contact with students, the Superintendent or designee shall take appropriate steps to protect the safety of any student who may come in contact with this employee. (Education Code 45125.1)

**Business and Non-instructional Operations**

**Criminal Background Checks For Contractors (continued)**

Other Facility Contractors

When the district contracts for construction, reconstruction, rehabilitation or repair of a school facility where the employees of the entity will have contact, other than limited contact with students, the Superintendent or designee shall ensure the safety of students by utilizing the following method: (Education Code 45125.2)

1. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony.

The supervising employee may submit his/her fingerprints to the Department of Justice pursuant to Education Code 45125.1.

2. Surveillance of employees of the entity by school personnel.

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.2)

Legal Reference:

EDUCATION CODE

41302.5 School districts, definition

45122.1 Classified employees, conviction of a violent or serious felony

45125.1 Criminal background checks for contractors

45125.2 Criminal background checks for construction

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Emergencies And Disaster Preparedness Plan**

The Superintendent or designee shall develop and maintain a disaster preparedness plan that detail provisions for handling all foreseeable emergencies and disasters. The Superintendent or designee may appoint a committee to regularly review the disaster preparedness plan and recommend changes.

The principal or designee shall augment the district plan with working plans and procedures specific to each school.

District and site plans shall address at least the following situations:

1. Fire on or off school grounds which endangers students

2. Natural or man-made disasters

(cf. 3516.3 - Earthquake Emergency Procedure System)

3. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

4. Attack or disturbance by individuals or groups

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3514 - Environmental Safety)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.4 - Campus Disturbances)

The Superintendent or designee shall use state-approved Standard Emergency Management System guidelines when updating district and site-level emergency and disaster preparedness plans.

The Superintendent or designee may consult with city and/or county agencies so that district and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each district school.

**Business and Non-instructional Operations**

**Emergencies And Disaster Preparedness Plan (continued)**

The Superintendent or transportation contractor may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

(cf. 3543 - Transportation Safety and Emergencies)

Disaster preparedness exercises shall be held regularly at each school site and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas.

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32040 Duty to equip school with first aid kit

35295-35297 Earthquake emergency procedures

38132 Mass care and welfare shelters

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standard emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400 et seq. Standardized Emergency Management System Regulations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Emergencies And Disaster Preparedness Plan**

The district disaster preparedness plan shall be available to staff, students and the public in the office of the Superintendent and in the office of each principal. Individual school site disaster plans shall be available to each teacher and shall be available for public inspection at the principal's office. The principal shall make certain that students and staff are familiar with their site plan.

The Board of Trustees shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services it deems necessary to meet the community's needs. (Education Code 38132)

#### Release of Students

The following procedures shall be followed in releasing students in the event of an emergency or disaster:

1. The principal or designee shall receive authorization from the Superintendent or designee before releasing students.
2. Individual students shall not leave a school site without receiving permission from the principal or designee.
3. If possible, staff shall release students only to persons authorized on the student emergency card.
4. In absence of an emergency card or in an emergency in which reference to the emergency card is impossible, individual students shall be released, upon presentation of identification, to parents/guardians, persons authorized by the parents/guardians, or to authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student.
5. The principal or designee shall record the release of all students.

#### Role of Staff

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

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)



**Business and Non-instructional Operations**

**Emergencies And Disaster Preparedness Plan (continued)**

During an emergency, staff shall fulfill the following roles:

(cf. 4119.3 - Duties of Personnel)

1. The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she shall have authority to use discretionary judgment in emergency situations which do not permit execution of prearranged plans. The principal or designee shall:
  - a. Direct evacuation of buildings
  - b. Arrange for transfer of students when their safety is threatened
  - c. Inform the Superintendent or designee of all emergency actions taken as soon as possible
  - d. Schedule periodical fire drills and other disaster preparedness exercises and keep appropriate records
  - e. Post directions for fire drills and civil defense drills in classrooms, multipurpose rooms, etc.
2. Teachers shall be responsible for supervision of students in their charge. Teachers shall:
  - b. Direct evacuation of students in their charge in accordance with the principal's instruction
  - b. Give the DROP command as necessary
  - c. Take attendance, stay with the students and provide supervision
  - d. Report missing students to the principal or designee
  - e. Send students in need of first aid to the school nurse or a person trained in first aid
3. Custodians are responsible for the use of emergency equipment, the handling of supplies and the use of available utilities. Custodians shall:
  - a. Survey and report damage to the principal

**Business and Non-instructional Operations**

**Emergencies And Disaster Preparedness Plan (continued)**

- b. Direct rescue operations as required
  - c. Direct fire-fighting efforts until regular fire-fighting personnel take over
  - d. Control main shutoff valves for gas, water and electricity and ascertain that no hazard results from broken gas, water mains or fallen electrical lines
  - e. Disburse supplies and equipment as needed
4. The school secretary and secretarial staff shall:
- a. Report a fire or disaster to the appropriate authorities
  - b. Answer telephones and monitor radio emergency broadcasts
  - c. Provide for the safety of essential school records and documents
  - d. Assist the principal as needed
5. The school nurse shall:
- a. Administer first aid
  - b. Supervise the administration of first aid
  - c. Organize first aid and medical supplies
6. The cafeteria manager shall direct the use and preparation of the cafeteria stock and water supply whenever the feeding of students becomes necessary during a disaster.
7. The bus driver(s) shall:
- a. Supervise students if a disaster occurs while they are on the bus
  - b. Issue the DROP command as necessary while students are on the bus
  - c. Transfer students to a new location when directed by the principal
  - d. Assist the custodian in damage control

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Fire Drills and Fires**

#### Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level and four times every school year at the intermediate level. (Education Code 32001)

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

#### Fires

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.

**Business and Non-instructional Operations**

**Fire Drills and Fires (continued)**

4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

(cf. 0450 - School Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

Regulation Approved March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Bomb Threats**

#### Receiving Threats

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

#### Procedures

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the principal or designee. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee seeing a suspicious package shall promptly notify the principal or designee.
3. The principal or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

(cf. 3516.1 - Fire Drills and Fires)

4. The principal or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. School police officers may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

Except for school police officers, no staff or students shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal or designee that reentry is safe.

**Business and Non-instructional Operations**

**Bomb Threats (continued)**

Any student who makes a bomb threat shall be subject to disciplinary procedures.  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury;  
punishment

594 Vandalism; penalty

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Earthquake Emergency Procedure System**

The Superintendent or designee shall establish an emergency procedure system to be followed in case of earthquakes. This system shall include, but not be limited to, the following: (Education Code 35297)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A DROP procedure in which students and staff members:
  - a. Drop to their knees
  - b. Take cover under a table or desk
  - c. Protect their head with their arms
  - d. Face away from the windows
3. Protective measures to be taken before, during and after an earthquake

School disaster plans shall outline roles, responsibilities and procedures for students and staff.

(cf. 3516 - Emergency and Disaster Preparedness Plan)

DROP procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.

### **Earthquake Education**

DROP procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools. (Education Code 35297)

**Business and Non-instructional Operations**

**Earthquake Emergency Procedure System (continued)**

Students also shall be taught to take the following safety precautions during an earthquake if adults are not present to give specific directions:

1. If you are in the open, stay there.
2. Move away from buildings, trees, and exposed wires.
3. After the earthquake, if you are on your way to school, continue to school.
4. After the earthquake, if you are on your way home, continue home.

**Earthquake While Indoors at School**

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Teachers shall have students perform the DROP procedure.
2. As soon as possible, teachers shall move the students away from windows and out from under heavy suspended light fixtures.
3. Teachers shall have students leave the building in an orderly manner when the Earthquake is over.

**Earthquake While on School Grounds**

When an earthquake occurs, the following actions shall be taken by teachers or other persons in authority and students who are on school grounds:

1. The teacher shall direct students to walk away from buildings, trees, poles or exposed wires.
2. The teacher shall have students perform the DROP procedure, covering as much skin surface as possible, closing eyes and covering ears.
3. Teachers and students shall stay in the open until the earthquake is over or until further directions are given.



**Business and Non-instructional Operations**

**Earthquake Emergency Procedure System (continued)**

Earthquake While on the Bus

When students are on the school bus and an earthquake occurs, the following actions shall be taken:

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures or bridges, if possible, and have students perform the DROP procedure.
2. The driver shall set the brakes, turn off the ignition, and wait until the earthquake is over before proceeding on the route.
3. As soon as possible, the driver shall contact the director of transportation for instructions.

Subsequent Emergency Procedures

1. In outside assembly areas, teachers shall provide assistance to any injured students, take roll and report missing students to the principal or designee.
2. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments. He/she shall consider the possibility of aftershocks and shall determine the advisability of closing the school, with the advice of the county or city officials, as appropriate. He/she shall also contact the Superintendent or designee for further instructions.
3. The principal shall post guards at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe. Monitors may be custodians, teachers or students.
4. Following the earthquake, the principal and custodian shall inspect all buildings for water and gas leaks, electrical breakages and large cracks or earth slippage affecting buildings. The principal shall notify utility companies of any break or suspected break in lines which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities at the main valve.
5. Teachers or students shall not light any stoves or burners after the earthquake until the area is declared safe.

**Business and Non-instructional Operations**

**Earthquake Emergency Procedure System (continued)**

6. If the principal believes the school is damaged sufficiently to be a hazard, he/she shall notify the Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

Legal Reference:

EDUCATION CODE

35295-35297 Emergency earthquake procedures

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Emergency Schedules**

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, to change the regular school day schedule, or to take any necessary action when adverse weather conditions or other emergencies warrant.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 5142 - Safety)  
(cf. 6112 - School Day)

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating or when the school day schedule is changed or the school is closed.

(cf. 3542 - Schoolbus Drivers)  
(cf. 3543 - Transportation Safety and Emergencies)

In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun, the Superintendent or designee shall ensure that supervision is provided in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)  
(cf. 3516.1 - Fire Drills and Fires)  
(cf. 3516.2 - Bomb Threats)  
(cf. 3516.3 - Earthquake Emergency Procedure System)

The Superintendent or designee may provide a means to compensate for lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

(cf. 6111 - School Calendar)

**Business and Non-instructional Operations**

**Emergency Schedules**

Legal Reference:

EDUCATION CODE

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Risk Management/Insurance**

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the district consistent with required services, the Superintendent or designee shall review the district's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

The Board reserves the right to remove an insurance agent-of-record or a participating agent whenever, in the judgment of the Board, such action becomes desirable for the best interests of the district.

To attempt to minimize the district's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 3320 - Claims and Actions Against the District)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4119.11/4219.11/4319.11- Sexual Harassment)
- (cf. 4132/4232/4332- Publication or Creation of Materials)
- (cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)
- (cf. 4158/4258/4358- Employee Security)
- (cf. 5141.4 - Child Abuse Reporting Procedures)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 6162.6 - Use of Copyrighted Materials)
- (cf. 9260 - Legal Protection)

**Business and Non-instructional Operations**

**Risk Management/Insurance (continued)**

Legal Reference:

**EDUCATION CODE**

17029.5 Contract funding; board liability

17565-17592 Board duties re property maintenance and control

32350 Liability on equipment loaned to district

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

35200-35214 Liabilities, especially:

35208 Liability insurance

35211 Driver training civil liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability self-insurance

35331 Medical or hospital service for students on field trip

39837 Transportation of pupils to places of summer employment

41021 Requirement for employees' indemnity bonds

44873 Qualifications for physician (liability coverage)

49470-49474 District medical services and insurance

**GOVERNMENT CODE**

820.9 Board members not vicariously liable for injuries caused by district

989-991.2 Local public entity insurance

**LABOR CODE**

3200-4855 Workers' compensation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Risk Management/Insurance**

#### Risk Management

The Superintendent or designee shall take action to:

1. Identify the risks inherent in the operation of district programs
2. Assess the above risks and keep records of accidents, losses and damage
3. Mitigate risks through loss control and safety-related activities
4. Determine the extent to which risks should be assumed by the district or covered by the purchase of insurance or pooling with other districts

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision..

- (cf. 1240 - Volunteer Assistance)
- (cf. 1330 - Use of School Facilities)
- (cf. 3400 - Management of District Assets/Accounts)
- (cf. 3430 - Investing)
- (cf. 3440 - Inventories)
- (cf. 3512 - Equipment)
- (cf. 3514 - Environmental Safety)
- (cf. 3514.1 - Hazardous Substances)
- (cf. 3515 - School Safety and Security)
- (cf. 3515.1 - Crime Data Reporting)
- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 3541.1 - Transportation for School-Related Trips)
- (cf. 3543 - Transportation Safety and Emergencies)
- (cf. 4112.42 - Drug and Alcohol Testing for School Bus Drivers)
- (cf. 4119.3 - Duties of Personnel)
- (cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)
- (cf. 4157/4257/4357- Employee Safety)
- (cf. 4212.5 - Criminal Record Check)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5131.61 - Drug Testing)

**Business and Non-instructional Operations**

**Risk Management/Insurance (continued)**

(cf. 5141 - Health Care and Emergencies)  
(cf. 5141.1 - Accidents)  
(cf. 5141.23 - Infectious Disease Prevention)  
(cf. 5142 - Safety)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6153 - School-Sponsored Trips)  
(cf. 9260 - Legal Protection)

Insurance

Insurance coverage shall include, but may not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Fire insurance for buildings, equipment and vehicles (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance (Education Code 41021)

A suitable bond indemnifying the district against loss shall be purchased for employees responsible for handling district funds and may be purchased for employees responsible for handling district property. The district shall bear the cost of this bonding. (Education Code 41021)

(cf. 1330 - Use of School Facilities)  
(cf. 4154 - Health and Welfare Benefits)  
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)  
(cf. 4157.1 - Work-Related Injuries)  
(cf. 5143 - Insurance)  
(cf. 9260 - Legal Protection)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005



## **Business and Non-instructional Operations**

### **Transportation**

The Board of Trustees may provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance and reduce tardiness. The extent to which the district provides for transportation services shall depend upon student and community needs and a continuing assessment of financial resources.

- (cf. 3100 - Budget)
- (cf. 3250 - Transportation Fees)
- (cf. 3541 - Transportation Routes and Services)
- (cf. 3541.1 - Transportation for School-Related Trips)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 5116.1- Intradistrict Open Enrollment)
- (cf. 5117.1 - Interdistrict Attendance Agreements)
- (cf. 5117.2 - Alternative Interdistrict Attendance Program)

The Superintendent or designee shall recommend to the Board the most economical and appropriate means of providing transportation services, if financially feasible.

The Superintendent is authorized to contract with the Fullerton Union High School District or other like carrier for transportation services for those students designated by the Board of Trustees

All contracted transportation of students shall be in school buses that meet the definitional requirements stated in Education Code 39830 and which are also in compliance with inspection requirements specified in the Vehicle Code and administered by the California Highway Patrol.

Students may also be transported in vehicles owned by members of the staff under emergency conditions.

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

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

**Business and Non-instructional Operations**

**Transportation (continued)**

Legal Reference:

EDUCATION CODE

35330 Excursions and field trips

35350 Authority to transport pupils

39800-39860 Transportation, especially:

39800 Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"

39801 Contract with County Superintendent of Schools to provide transportation

39802-39803 Bids and contracts for transportation services

39806 Payments to parents in lieu of transportation

39807 Food and lodging payments in lieu of transportation

39807.5 Transportation fees

39808 District transportation of private school students

41850-41854 Allowances for transportation

41860-41862 Supplemental allowances for transportation

45125.1 Criminal background checks for contractors

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

CODE OF REGULATIONS, TITLE 5

14100-14103 Use of school buses and school pupil activity buses

15240-15343 Allowances for student transportation, especially:

15253-15272 District records related to transportation

VEHICLE CODE

2807 School bus inspection

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Transportation**

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student. (Education Code 35350)

#### Means of Transportation

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

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

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student. The amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Transportation Routes And Services**

#### Routes and Bus Stops

The Superintendent or designee shall design transportation routes and stops to promote the safety of students and maximum efficiency in the use of buses.

Students who attend a school outside their attendance area are not eligible for transportation services unless specifically authorized by the Superintendent or designee.

(cf. 5116.1- Intradistrict Open Enrollment)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The Superintendent or designee shall communicate to parents/guardians regarding bus routes, schedules and stops.

(cf. 1112 - Media Relations)

(cf. 5145.6 - Parental Notifications)

#### Transportation Services

With the Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)

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

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)
4. District employees or parents/guardians traveling to and from educational activities authorized by the district (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 398000)

**Business and Non-instructional Operations**

**Transportation Routes And Services (continued)**

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs. (Education Code 41850; 20 USC 1400 - 1491; 34 CFR 104.4)

(cf. 3541.2 - Transportation for Students with Disabilities)

The district may provide homeless students with transportation services comparable to those offered to other students at the school of attendance. (42 USC 11432)

If a homeless student moves to a shelter that is in another attendance area within the district, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school.

(cf. 5111.13 - Residency for Homeless Children)

If a homeless student attending school in this district moves to a shelter that is in another district, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school in this district. This transportation may be achieved through the transportation services of this district, the new district or an outside agency.

Legal Reference:

EDUCATION CODE

10900.5 Use of school buses for community recreation

35330 Excursions and field trips

35350 Authority to transport pupils

39800-39860 Transportation, especially:

39800 Powers of governing board to provide transportation to and from school

39801.5 Transportation for adults

39808 Transportation for private school students

39835 Use of school buses for community recreation

39837 Transportation to summer employment program

39837.5 Transportation of employees and parents/guardians to school activities

39840 Transportation of government employees

39841 Use of school buses for public transportation

39860 Transportation to school activities

41850 Transportation to ROP/C occupational classes

41851-41863 Allowances and supplemental allowances for transportation

**Business and Non-instructional Operations**

**Transportation Routes And Services (continued)**

CODE OF REGULATIONS, TITLE 5

15240-15244 Allowances for student transportation

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 42

11432 McKinney Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Transportation For School-Related Trips**

The district may provide transportation for students, employees and other individuals for field trips and excursions approved according to Board policy and administrative regulations.

(cf. 3541 - Transportation Routes and Services)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

(cf. 3312.2 - Educational Travel Program Contracts)

(cf. 3540 - Transportation)

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parent/guardian.

The Superintendent or designee shall ensure that the district has sufficient liability insurance when field trips or excursions involve transportation by district vehicles. (Education Code 35350)

#### **Transportation by Private Vehicle**

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or a valid license from his/her state of residence if he/she is a nonresident on active military duty in California. To be approved, a driver shall possess at least the minimum insurance required by law. Any person providing transportation in a private vehicle shall have registered with the district for such purposes.

(cf. 1240 - Volunteer Assistance)

All student passengers shall submit permission slips signed by their parents/guardians. Teachers shall ensure that each driver has a copy of the permission slip for each student riding in his/her vehicle.

**Business and Non-instructional Operations**

**Transportation For School-Related Trips (continued)**

Vehicle owners, drivers and passengers shall be informed that the registered owner and his/her insurance company are responsible for any accidents or violations that may occur.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Motor trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall also ensure that manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

**Passenger Restraint Systems**

All drivers shall wear seat belts in accordance with law. In addition, drivers shall ensure that: (Vehicle Code 27315, 27360, 27360.5, 27363)

1. A child who is under age 6 or under 60 pounds, unless exempted by law, is properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards.
2. All other children are properly secured in either a child passenger restraint system or safety belt.
3. All other passengers wear seat belts.

**Legal Reference:**

**EDUCATION CODE**

35330 Excursions and field trips

35332 Transportation by air

39830 School bus

39830.1 School pupil activity bus

39860 Transportation to special activities by district

44808 Liability when students not on school property

**VEHICLE CODE**

27315 Mandatory use of seat belts in private passenger vehicles

27360-27360.5 Child passenger restraint systems

27363 Child passenger restraint systems, exemptions

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005



**Business and Non-instructional Operations**

**School Related Trips**

SCHOOL DRIVER INFORMATION – FOR SCHOOL USE

Driver (circle one): Employee    Parent/Guardian    Volunteer  
Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Address: \_\_\_\_\_ Driver's License No.: \_\_\_\_\_  
Telephone No.: (    ) \_\_\_\_\_ Expiration Date: \_\_\_\_\_

VEHICLE INFORMATION

Name of Owner: \_\_\_\_\_ Year: \_\_\_\_\_  
Address: \_\_\_\_\_ Make: \_\_\_\_\_  
\_\_\_\_\_ License Plate No.: \_\_\_\_\_  
Registration Expiration: \_\_\_\_\_ Seating Capacity: \_\_\_\_\_

INSURANCE INFORMATION

Insurance Company: \_\_\_\_\_ Policy No.: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
Liability Limits of Policy: \_\_\_\_\_

DRIVER STATEMENT

I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past five years and that the information given above is true and correct. I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.

I certify that I will ensure that all children will be restrained using the appropriate passenger restraint systems.

Name \_\_\_\_\_ Date \_\_\_\_\_

**Business and Non-instructional Operations**

**School Related Trips (continued)**

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**DRIVER INSTRUCTIONS**

When using your vehicle to transport students on field trips or other school activity trips, please:

1. Be sure that you have registered with the district for such purposes and have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a pickup truck, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use an appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.

In case of emergency, keep all the children together and call 911 and the district office.

**Business and Non-instructional Operations**

**Transportation For Students With Disabilities**

The Board of Trustees shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

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

(cf. 3250 - Transportation Fees)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

(cf. 3540 - Transportation)

Whenever possible, the Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 3541 - Transportation Routes and Services)

**Business and Non-instructional Operations**

**Transportation For Students With Disabilities (continued)**

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation cost

39839 Guide dogs, signal dogs and service dogs on bus 41850-41854 Allowances for transportation

48209-48209.16 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56195.8 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program

56366 Nonpublic nonsectarian schools or agencies

56366.1 Waiver of requirements under section 56365 and 56366

CODE OF REGULATIONS, TITLE 5

15050 Transfer of funds to child development fund and development center for handicapped pupils fund

15243 Physically handicapped minors

15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Food Service/Child Nutrition Program**

The Board of Trustees recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. The Board desires to provide students with adequate space and time to eat meals. To reinforce the district's nutrition education program, foods available on school premises shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet nutritional standards specified in law and administrative regulation
3. Be prepared in ways that will appeal to students, retain nutritive quality and foster lifelong healthful eating habits
4. Be served in age-appropriate quantities and at reasonable prices

(cf. 3312 - Contracts)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 6142.8 - Comprehensive Health Education)

School cafeterias shall comply with the sanitation and safety requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

#### Legal Reference:

##### EDUCATION CODE

38080-38103 Cafeteria, establishment and use

45103.5 Contracts for management consulting services; restrictions

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548.3 Comprehensive nutrition services

49550-49560 Meals for needy students

49570 National School Lunch Act

**Business and Non-instructional Operations**

**Food Service/Child Nutrition Program (continued)**

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 School lunch programs

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Food Service/Child Nutrition Program**

#### Nutritional Standards

A minimum of 50% of the food sold by the district on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

(cf. 3554 - Other Food Sales)

The following nutritional standards shall apply to all beverages provided in the district's food services program: (Education Code 49431.5)

1. Regardless of the time of day, the only beverages that may be sold to elementary students are water, milk, 100 percent fruit juices, or fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.
2. The only beverages that may be sold to middle school students from one-half hour before the start of the school day until after the end of the last lunch period are:
  - a. Fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners
  - b. Drinking water
  - c. Milk, including but not limited to chocolate milk, soy milk, rice milk and other similar dairy or nondairy milk
  - d. An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving

For schools participating in the National School Lunch and School Breakfast Programs, meals shall also meet the nutritional standards, as well as the nutrient and calorie levels for students of each age or grade group, required by 7 CFR 210.10 and 220.8.

(cf. 3533 - Free and Reduced Price Meals)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Food Service Operations/Cafeteria Fund**

The Board of Trustees intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. Upon recommendation of the Superintendent or designee, the Board shall review and approve meal prices. Program financial reports shall be presented regularly to the Board.

Meals may be offered to employees and Board members as a matter of convenience. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

#### **Cafeteria Fund**

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries and benefits of food service employees may be paid from the district general fund. At any time, the Board may order reimbursement from the cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the district.

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

(cf. 3553 - Free and Reduced Price Meals)

#### **Legal Reference:**

##### **EDUCATION CODE**

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services

49490-49493 School breakfast and lunch programs

49500-49505 School meals

##### **CODE OF FEDERAL REGULATIONS, TITLE 7**

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005



## **Business and Non-instructional Operations**

### **Food Service Operations/Cafeteria Fund**

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, 38092)

The cafeteria fund shall be used only for Board-authorized expenditures necessary for the operation of school cafeterias as defined in the California School Accounting Manual or appropriately reported to the California Department of Education. (Education Code 38091, 38101)

These expenditures may include, but are not limited to, expenditures for the following: (Education Code 38091)

1. Construction, alteration, or improvement of a central food processing plant
2. Lease, purchase or installation of additional cafeteria equipment of the central food processing plant
3. Vending machines and their installation and housing
4. Computer equipment and related software
5. Lease or purchase of vehicles used primarily in connection with the central food processing plant.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

Any funds derived from the sale of cafeteria food and deposited in a Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance or replacement of cafeteria equipment. (Education Code 38102)

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

## **Business and Non-instructional Operations**

### **Food Service Operations/Cafeteria Fund (continued)**

#### Food Service Operations

It is the intent of the Board of Trustees, insofar as possible, that the school food services program shall be a self-supporting and sustaining activity. All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law.

As part of the food services program, the Assistant Superintendent of Business Services is authorized to establish guidelines for providing free or reduced price meals for students in those cases where the cost of a meal becomes a financial burden on the student or his/her family.

The Board of Trustees will review and approve program financial reports and menu prices on an annual basis.

#### Principals: Food Service Responsibilities

The school principal shall be responsible for the conduct of students in the lunchroom scheduling lunch services and for necessary custodial services in the kitchen, serving and eating areas.

#### Director of Food Services: Responsibilities and Duties

The Director of Food Services is responsible for cafeteria operations including the planning, preparation and serving of meals, the training and supervision of personnel and for assisting in the determination of need of supplies, materials and equipment.

#### Definition

Under the administrative direction of the Assistant Superintendent of Business Services, the Director of Food Services plans, organizes and supervises the Food Service Program and performs related duties as required.

#### Typical Tasks

1. Plans, supervises and participates in the preparation, cooking and shipping of bulk food to the satellite schools.
2. Coordinates and develops employee work schedules and in-service activities.

**Business and Non-instructional Operations**

**Food Service Operations/Cafeteria Fund (continued)**

3. Responsible for the application of standardized recipes, approved price schedules, portion control, health standards and productivity.
4. Develops and implements standards for efficient, sanitary practices in food preparation and service.
5. Tests food and other products prior to and after purchase to determine program acceptability.
6. Directs the districtwide food service program in conformance with Federal and State laws and regulations local and State health ordinances and District procedures.
7. Orders and supervises storage and use of food and supplies.
8. Maintains inventory control, records and reports, takes periodic inventory of food and supplies in the central kitchen.
9. Maintains food quality standards, including appearance and taste.
10. Supervises satellite schools to ensure productivity and health standards are being met.
11. Assists in the preparation of the food service program budget and utilizes cost control procedures to avoid unwarranted food service operating costs.
12. Initiates requests for equipment repairs or replacements.
13. Implements security measures to prevent vandalism and theft.
14. Supervises, selects, assigns and transfers food service personnel in accordance with District policies and procedures.
15. Develops public information materials and media releases pertaining to school food service programs.
16. Conducts research and keeps abreast of developments in school food services management and nutrition education.
17. Performs related duties as assigned.

**Business and Non-instructional Operations**

**Food Service Operations/Cafeteria Fund (continued)**

Responsibility for Operation

1. Acting upon recommendation of the Superintendent, the Board of Trustees has delegated to the Assistant Superintendent for Business Services the responsibility for the financial operation of the Cafeteria program.
2. General supervision is provided by the Director of Food Services, who is responsible to the Assistant Superintendent for Business Services.
3. The Satellite Cafeteria Worker at the respective school is responsible for the management of the cafeteria at her school.
4. All cafeteria workers are under the direct supervision of the Director of Food Services.
5. The principal, who has the overall responsibility at his/her school, is responsible for the functioning of the cafeteria at his/her building in accordance with the provisions of these rules and regulations.

Expenses

1. The cafeterias are charged with the cost of food and materials, labor, laundry service, miscellaneous operating supplies, replacement of dishes, utensils and equipment and any other expenses determined by the Assistant Superintendent of Business Services.
2. The total food, supplies and labor costs should not exceed the amount of total income of the cafeterias.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Free And Reduced Price Meals**

In accordance with law, the district shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of:

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement.

(cf. 052002. Title I Program Improvement School  
(cf. 5125 - Student Records)  
(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6171 - Title I Programs)  
(cf. 6190 - Evaluation of the Instructional Program)

The Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

(cf. 5141.6 – Student Health and Social Services)

**Business and Non-instructional Operations**

**Free And Reduced Price Meals (continued)**

Legal Reference:

EDUCATION CODE

- 48980 Notice at beginning of term
- 49490-49493 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act of 1974
- 49547-49548.3 Comprehensive nutrition service
- 49550-49560 Meals for needy students

CODE OF REGULATIONS, TITLE 5

- 15510 Mandatory meals for needy students
- 15530-15535 Nutrition education
- 15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

- 1232g Federal Educational Rights and Privacy Act
- 6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

- 1751-1769 National lunch programs
- 1771-1791 Child nutrition, especially:

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Free And Reduced Price Meals**

The district's plan for students receiving free or reduced price meals shall ensure the following: (Education Code 49557)

1. The names of the students shall not be published, posted or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or milk.
4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)

#### Applications

An application form for free or reduced price meals shall be distributed, together with information about eligibility standards, application procedures and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980)

(cf. 5145.6 - Parental Notifications)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557)

1. Applications for free or reduced price meals may be submitted at any time during a school day.

**Business and Non-instructional Operations**

**Free And Reduced Price Meals (continued)**

2. Students participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

**Confidentiality/Release of Records**

The Board of Trustees designates the following district employee to use individual records pertaining to student participation in the free or reduced price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316: Superintendent or Designee

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 – Student Records)

2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.

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

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be destroyed when no longer needed for its intended purpose.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005



## **Business and Non-instructional Operations**

### **Other Food Sales**

The Board of Trustees authorizes the Superintendent or designee to approve the sale of food items and beverages outside the district's food services program, including sales by student or adult organizations, sales through vending machines and/or sales at secondary school student stores for fundraising purposes.

Any food sales conducted outside the district's food services program shall meet nutritional standards specified in law, Board policy and administrative regulations and shall not impair student participation in the district's food service program.

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

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

Food sales are prohibited during school hours, and within one hour before or after school hours, unless the organization is legally organized as a nonpartisan, charitable organization, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved in accordance with Board policy. (Education Code 51520)

(cf. 1230 - School-Connected Organizations)

(cf. 1321 - Solicitations of Funds from and by Students)

#### Legal Reference:

##### EDUCATION CODE

38085 Sale of specified food items

48931 Authorization and sale of food

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School premises; prohibited solicitations

##### CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

##### HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including:

114200-114245 Vending machines

##### UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act

1771-1791 Child Nutrition

##### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Other Food Sales**

#### Nutritional Standards

A minimum of 50% of the food sold by any entity on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

(cf. 1230 - School-Connected Organizations)

(cf. 1321 - Solicitations of Funds from and by Students)

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

When the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the nutritional standards of Education Code 49431. Under these circumstances, an elementary school may permit the sale of food items that do not meet the standards of Education Code 49431 only if the items are sold by students of the school and the sale of food items takes place off school premises or takes place at least one-half hour after the end of the school day. (Education Code 49431)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **District Records**

District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

The Superintendent or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

#### Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians or employees when a substitute address is designated by the Secretary of State for victims of domestic violence or stalking. (Government Code 6207)

(cf. 5111.1 - District Residency)

#### Legal Reference:

##### EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

##### GOVERNMENT CODE

6205-6211 Confidentiality of addresses for victims of domestic violence

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

##### CODE OF REGULATIONS, TITLE 5

432 Varieties of pupil records

16020-16022 Records-general provisions

16023-16027 Retention of records

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **District Records**

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

#### Classification of Records

Before January 1, the Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

#### Class 1 - Permanent Record (5 CCR 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022:

1. Annual Reports
  - a. Official budget
  - b. Financial reports of all funds, including cafeteria and student body funds
  - c. Audit of all funds
  - d. Average daily attendance, including Period 1 and Period 2 reports
  - e. Other major annual reports, including:
    - (1) Those containing information relating to property, activities, financial condition or transactions
    - (2) Those declared by Governing Board minutes to be permanent

**Business and Non-instructional Operations**

**District Records (continued)**

2. Official Actions

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies or resolutions included by reference only
- b. The call for and the result of any elections called, conducted or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

3. Personnel Records

a. Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

b. Students

The records of enrollment and scholarship for each student required by 5 CCR 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has run.

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent).

## **Business and Non-instructional Operations**

### **District Records (continued)**

The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

#### **Class 2 - Optional Records (5 CCR 16024)**

Any record considered worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by 5 CCR 16022. Such classification must occur within one year.

#### **Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)**

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include but are not limited to: detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit
2. The retention period required by any agency other than the State of California
3. The school year in which the records originated

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; October 24, 2005

## **Business and Non-instructional Operations**

### **Consultants**

The Board of Trustees authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

All consultant contracts shall be brought to the Board for approval.

(cf. 3312 - Contracts)

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, sex, national or ethnic origin, age or disability.

(cf. 3311 - Bids)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 4030 - Nondiscrimination in Employment)

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

(cf. 9270 - Conflict of Interest)

**Business and Non-instructional Operations**

**Consultants (continued)**

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this district.

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

35010 Control of districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

17596 Limit on continuing contracts

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; October 24, 2005



## **Personnel**

### **Concepts and Roles**

The district's personnel policies and related regulations shall be designed to ensure a supportive, positive climate and shall be consistent with collective bargaining agreements and in conformance with state and federal law and regulations.

As the legal representative of the district in negotiations with employee representatives, the Board shall set guidelines for collective bargaining, designate a spokesperson(s), maintain communications during the bargaining process, and adopt the negotiated contract. Terms and conditions of employment which have been negotiated and stated in employee contracts have the force of policy. The Board shall hear employee complaints and appeals when such hearings are in accordance with Board policy or negotiated agreements. The Board also adopts wage and salary schedules.

(cf. 4131 - Staff Development)  
(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4143/4243 - Negotiations/Consultation)  
(cf. 4144/4244/4344 - Complaints)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)  
(cf. 9000 - Role of the Board)

The Superintendent has primary responsibility for overseeing the district's personnel system. The Superintendent shall nominate all personnel for employment, and the Board may approve those persons so recommended. Individuals who approach Board members regarding prospective employment shall be referred to the Superintendent or designee.

The Board of Trustees does not desire to exercise its employment responsibilities contrary to the recommendation of the Superintendent and should not employ any person unless recommended by the Superintendent. If a nomination by the Superintendent is not acceptable to the Board, the nomination shall be withdrawn. The Superintendent shall then present other nominations to the Board for consideration.

The Board of Trustees agrees that all approaches by employees to the Board or to the individual members of the Board shall be referred to the Superintendent for consideration and judgment and to act as a court of appeals only after referrals have been made to the Superintendent.

The Board of Trustees desires that the Superintendent conduct the district's personnel relations with fair and sound practices approved by the Board.

## **Personnel**

### **Concepts and Roles (continued)**

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4111 - Recruitment and Selection)
- (cf. 4211 - Recruitment and Selection)
- (cf. 4311 - Recruitment and Selection)

The Superintendent or designee shall assign and supervise the work of all employees and shall evaluate their work in accordance with effective accountability systems approved by the Board. The Superintendent or designee also shall recommend disciplinary action which the Board may take against employees when warranted pursuant to Board policy, administrative regulations and/or state or federal law.

- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

The Superintendent or designee will receive and consider employee suggestions and submit them, when appropriate, for consideration by the Board.

#### Legal Reference:

##### EDUCATION CODE

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

35160 Powers of governing board

##### GOVERNMENT CODE

3540-3549.3 Public education employer-employee relations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Drug And Alcohol-Free Workplace**

The Board of Trustees believes that the maintenance of drug- and alcohol-free workplaces is essential to school and district operations.

The Superintendent or designee may require mandatory drug testing for applicants for employment. Any applicant not agreeing to the test may be disqualified for consideration for employment.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business

(cf. E4020 - Drug Free Workplace – Notice to Employees

(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)

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the district, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)

## **Personnel**

### **Drug And Alcohol-Free Workplace (continued)**

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee may establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations

#### Legal Reference:

##### EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

**Personnel**

**Drug And Alcohol-Free Workplace (continued)**

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Drug Free Notice Notice to Employees**

YOU ARE HERBY NOTIFIED that it is a violation of Board Policy for any employee at the workplace to unlawfully manufacture distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance, as defined in the Drug-Free Workplace act of 1988.

“Workplace” is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school approved vehicle used to transport students to and from school or school activities; and any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, when students are under district jurisdiction.

As a condition of your continued employment with the district, you will comply with the district’s policy on Drug-Free Workplace and will, any time you are convicted of any criminal drug statute violation occurring in the workplace; notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person is acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence and the Board’s determination as to whether or not the person has been rehabilitated is final

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education of the Commission for Teacher Preparation and licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. Pursuant to Education Code 44065, the district may not employ noncertificated persons in positions requiring a certificate. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

**Personnel**

**Drug Free Notice  
Notice to Employees (continued)**

Pursuant to Education Code 44940 and 45304, the district must immediately place on compulsory leave of absence any employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940 and 45304, the district may immediately place on compulsory leave of absence any employee charged with certain controlled substance offenses.

## **Personnel**

### **Nondiscrimination In Employment**

The Board of Trustees prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender or sex at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Any district employee who engages or participates in unlawful discrimination, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment is encouraged to report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Superintendent of Schools  
11019 Valley Home Avenue, Whittier CA 90603  
Telephone (562) 943-0211



## **Personnel**

### **Nondiscrimination In Employment (continued)**

#### Other Remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960. (Government Code 12960)
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

#### Legal Reference:

##### CIVIL CODE

51.7 Freedom from violence or intimidation

##### GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

##### PENAL CODE

422.76 Definitions, hate crimes

##### CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### UNITED STATES CODE, TITLE 20

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

**Personnel**

**Nondiscrimination In Employment (continued)**

Legal Reference: (continued)

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Nondiscrimination In Employment**

Unlawful discrimination or harassment of an individual includes:

1. Slurs, epithets, threats or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories, teasing or taunting
4. Any other verbal, written, visual or physical conduct against the individual which:
  - a. Adversely affects his/her employment opportunities, or
  - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor and/or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

(cf. 4031 - Complaints Concerning Discrimination in Employment)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Any supervisor who receives a discrimination/harassment complaint shall immediately notify the nondiscrimination coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

**Complaints Concerning Discrimination In Employment**

Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, the district's Assistant Superintendent of Administrative Services or the Superintendent.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Assistant Superintendent of Administrative Services or the Superintendent, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

2. Investigation Process: The Assistant Superintendent of Administrative Services or the Superintendent shall initiate an impartial investigation of an allegation of discrimination or harassment within fifteen school days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The Assistant Superintendent of Administrative Services or the Superintendent shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The Assistant Superintendent of Administrative Services or the Superintendent shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

**Complaints Concerning Discrimination In Employment**

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

If the Assistant Superintendent of Administrative Services or the Superintendent determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the Assistant Superintendent of Administrative Services or the Superintendent should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee or student safety, the Assistant Superintendent of Administrative Services or the Superintendent may discuss the complaint with the Superintendent or district legal counsel.

The Assistant Superintendent of Administrative Services or the Superintendent shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The Assistant Superintendent of Administrative Services or the Superintendent shall ensure that such interim measures do not constitute retaliation.

3. **Written Notification of Findings and Corrective Action:** No more than 10 working days after completion of investigating the complaint, the Assistant Superintendent of Administrative Services or the Superintendent shall produce written notification of the findings and any applicable corrective actions. This timeline may be extended for good cause. If an extension is needed, the Assistant Superintendent of Administrative Services or the Superintendent shall notify the complainant and explain the reasons for the extension.

The notification shall include the decision, the reasons for the decision and a summary of the steps taken in conducting the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, address the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The notification shall be presented to the complainant and the Superintendent. The person accused shall receive information regarding the steps taken to resolve the complaint and any applicable corrective actions.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Governing Board within 10 working days of receiving the written report/information of the Assistant Superintendent of Administrative Services or the Superintendent's findings. The Superintendent shall provide the Governing Board with all information presented during the investigation. Upon receiving an appeal, the Governing Board

**Complaints Concerning Discrimination In Employment**

shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Governing Board shall render its decision at its next regularly scheduled board meeting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

**Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

**Legal Reference:**

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

**GOVERNMENT CODE**

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972

**UNITED STATES CODE, TITLE 29**

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

**UNITED STATES CODE, TITLE 42**

2001d-2001d-7 Title VI, Civil Rights Act of 1964

2001e-2001e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2001h-2-2001h-6 Title IX of the Civil Rights Act of 1964

12101-12213 Americans with Disabilities Act

**Personnel**

AR 4031(d)

**Complaints Concerning Discrimination In Employment**

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

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

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



**Lowell Joint  
School District**

*A Tradition of Excellence Since 1906*

*"Home of Scholars and Champions"*



**BP 4033**

## **Lowell Joint School District Board Policy Lactation Accommodation**

The Board of Trustees recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any District employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any District employee who chooses to express breast milk for her infant child while at work.

The District shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child.

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Lactation accommodations may be denied only in limited circumstances in accordance with law.

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

#### CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location



## GOVERNMENT CODE

12940 Discriminatory employment practices

12945 Discrimination based on pregnancy, childbirth, or related medical conditions

## LABOR CODE

1030-1033 Lactation accommodation

## CODE OF REGULATIONS, TITLE 2

11035-11049 Sex discrimination; pregnancy and related medical conditions

## UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

## FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS

Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision

09-03P, 2009

## Management Resources:

### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

PUBLICATIONS Rest Periods/Lactation Accommodation, Frequently Asked Questions CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Minimum Requirements of the California Lactation Accommodation

### LAW CENTERS FOR DISEASE CONTROL AND PREVENTION

PUBLICATIONS Lactation Support Program Toolkit

## FEDERAL REGISTER

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079

## OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

## HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008

## U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION,

PUBLICATIONS Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010

## WEB SITES

California Department of Industrial Relations, Division of Labor and Standards Enforcement: <http://www.dir.ca.gov/dlse>

California Department of Public Health:

<http://www.cdph.ca.gov> California Women, Infants and

Children: <http://www.wicworks.ca.gov> Centers for Disease

Control and Prevention: <http://www.cdc.gov> Health  
Resources and Services Administration: <http://www.hrsa.gov>  
Office of the Surgeon General:  
<http://www.surgeongeneral.gov>  
U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:  
<http://www.dol.gov/whd/nursingmothers>

CSBA Revisions 07/11

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES

### A. Applicability

This Board Policy applies to the use of all District owned, leased, or managed technology equipment, including but not limited to, computers, scanners, multifunction printers, fax machines, printers, telephones, cellular and smart phones, tablets, personal digital assistants, digital readers, pagers, MP3 players, USB devices, or any wireless communication device, and all associated software and firmware. Also included are all on-line services provided by the District including but not limited to, email accounts, Internet sites maintained for or by the District, logins, passwords, data, files, Internet access, voice mail, all business applications, and information transmitted by, received from, entered into, or stored in these systems (hereinafter “District Technology” or “Technology”).

This Board Policy applies to all District employees, including full-time, part-time and temporary, and to consultants who have access to District Technology. It applies equally to any remote or off-site use of District Technology.

### B. Introduction

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information; offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources for purposes related to their employment. Personal activities will be limited and will in no way interfere with the educational/professional use for which hardware and software are intended, or with the efficiency or safety of the District's resources, uses that are described as “unacceptable” must be avoided. Incidental personal use does not extend to family members or other acquaintances.

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)

The purpose of this Board Policy is to secure District Technology in a reasonable and economical manner against unauthorized access, use or abuse, while at the same time making such Technology accessible to authorized users for legitimate business and educational purposes.

### C. Definitions

“Technology” includes, but is not limited to, computers, tablets, the Internet, telephones, cellular telephones, personal digital assistants, digital readers, pagers, MP3 players, iPod’s, USB drives, wireless access points (routers), or any wireless communication device.

“District Technology” is that which is owned or provided by the District.

“Personal Technology” is non-District Technology.

### D. Use of District Technology

Employees shall be responsible for the appropriate use of District Technology and shall use District Technology primarily for purposes related to their employment. Employees may use District Technology for incidental personal purposes provided that such use does not directly or indirectly:

- Interfere with District operations
- Interfere with the employee’s or co-workers’ employment or other obligations to the District
- Burden the District with noticeable incremental costs
- Involve sending regular or voluminous personal messages via lengthy email lists
- Create a hostile working or educational environment (including sexual or other forms of harassment)
- Violate any District policy or law, including obscenity laws.

### E. Use of Personal Technology

The use of Personal Technology is subject to certain restrictions as set forth below.

### F. Consequences for Violations of This Policy

Technology shall be used in a professional manner and may not be used in a manner that is inconsistent with any District Policy. Employees shall adhere to all security and other guidelines established by the District.

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)

Violations of the law or this policy may be reported to law enforcement agencies. In addition, violations of this policy may result in revocation (temporary or permanent) of user access and/or discipline, up to and including termination of employment, in accordance with District policies. Employees shall adhere to all applicable local, state, federal, and international laws relating to the access and use of computer systems, software and online services. The District will cooperate fully with appropriate authorities to provide information related to actual or suspected activity not consistent with the law.

### G. No Expectation of Privacy

Employees shall have no expectation of privacy in any message, file, data, document, facsimile, or any other form of information accessed, transmitted to, received from, or stored on any Technology owned, leased, used, maintained, moderated, or otherwise operated by the District, including but not limited to, emails and other electronic communications. During the course of carrying out their responsibilities, authorized District personnel or other authorized representatives may access any Technology, including employee emails and other electronic communications without the knowledge of the user. The District also has software and systems in place that monitor and record all Internet/Intranet and email usage. The District may capture user activity such as network resource and file access, data created, sorted, or transmitted in any form, telephone numbers dialed and web sites visited. The lack of privacy expectation with regard to District Technology does not extend to a personal device owned by the individual employee except insofar as the employee uses that device to access the District network.

The use, creation or change of any password, code or any method of encryption or the capacity to delete or purge files or messages, whether or not authorized by the District, does not create any expectation of privacy in any message, file, data, document, communication, facsimile, or other form of information transmitted to, received from, or stored on any Technology.

Employees should not expect privacy in the contents of their personal files on the District's Internet system or other District Technology, including but not limited to emails, text messages and voicemail. District Technology is under the control of system administrators or managers who may access user files or suspend services on the systems they manage without notice as required to protect the integrity of computer systems or to examine accounts that are suspected of unauthorized use or of having been misused, corrupted or damaged.

In the performance of their duties, system administrators regularly monitor transmissions for the purpose of ensuring the proper functioning, reliability, and security of District Technology. During this process, they may observe certain transactional information and

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)

the contents of electronic communications. System administrators who inadvertently discover or suspect improper activity in violation of law or policy are required to report such information to their supervisor.

Employees are advised that employee emails and other electronic communications pertaining to the business of the District generally are deemed to be public records and must be disclosed to members of the public upon request unless the records are specifically exempt from disclosure under the California Public Records Act. Moreover, documents may be subject to disclosure by subpoena or other legal process.

### H. Filtering

In compliance with the Children's Internet Protection Act, 47 U.S.C. 254, the Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors as defined in 47 U.S.C. 254 and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose.

### I. Confidentiality Obligations

The District endeavors to maintain the confidentiality of its internal email system and other electronically stored information and employees are expected to respect that confidentiality. Employees shall not copy, move, or otherwise transfer confidential or sensitive information or data to a directory or storage location that does not have adequate access restrictions. Employees are cautioned to follow all applicable laws and District policies in releasing student or personnel information electronically or otherwise. Disclosure of such information is generally prohibited. Employees shall not allow students to access employee accounts, passwords, grading programs or other restricted resources.

The District websites available to the general public must contain a Privacy Statement.

To safeguard and protect the proprietary, confidential, and sensitive business information of the District and to ensure that the use of all Technology is consistent with District legitimate business and educational interests, authorized representative of the District may monitor the use of Technology, messages, and files.

Users who become aware of a possible security breach involving the District Technology or data shall immediately notify the Director of Technology or the Superintendent's Office.

ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES (continued)

J. Installation/Modification of Technology

Employees may not install or modify any software on District Technology without prior authorization from their supervisor and the Director of Technology. Software downloaded on District Technology must have a direct business use and must be properly licensed and registered. Users shall follow all published standards for workstation software.

Employees are not permitted to modify existing hardware or connect personal computers or equipment to the District's computer network without prior authorization from the Director of Technology. For example, employees are not permitted to connect personal cell phones or smart phones to the District's computers or networks without prior authorization.

K. The Superintendent or designee shall establish administrative regulations and an Acceptable Use Acknowledgement which outline employee obligations and responsibilities related to the use of District Technology. The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use District Technology. Employees shall be required to acknowledge in writing that they have read and understand the District's policies, regulations and guidelines.

L. Unacceptable Uses

The following use of District Technology is unacceptable and in violation of this Board Policy:

1. Activities that violate any federal, state, or local law or District Policy.
2. Downloading or distributing non-licensed software or additional copies of licensed software that exceed the number licensed by the District. Copyrighted information or software for which the District does not have specific approval to store and/or use must not be stored on District Technology.
3. Propagating computer viruses.
4. Downloading, displaying, soliciting, archiving, storing, distributing, editing, or recording sexually explicit messages or images, including but not limited to, pornography or other visual depictions that are harmful to minors as defined in the Children's Internet Protection Act, 47 U.S.C. 254.
5. Downloading entertainment software or games, except as may be directly related to an employee's job duties (e.g., instructional materials).

ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES (continued)

6. Downloading or installing any Internet/Intranet screen saver programs.
7. Disseminating printing, or sharing copyrighted materials, including articles and software in violation of copyright laws.
8. Operating a business or soliciting money for personal gain. Using District Technology for any activity that is commercial in nature not related to work at the District, such as consulting services, typing services, developing software for sale, advertising products, and/or other commercial enterprises for personal financial gain. Non-District personal solicitations are prohibited.
9. Using District Technology to defame or act abusively toward others or to provoke a violent reaction, such as stalking, acts of bigotry, threats of violence, or other hostile or intimidating “fighting words.” Offensive or harassing statements or language, including disparagement of others based on their race, color, ethnicity, religion, national origin, veteran status, ancestry, disability, age, sex, sexual orientation, or other protected characteristic.
10. Gambling or engaging in any other activity in violation of local, state, or federal law.
11. Accessing or viewing information that promotes terrorism, espionage, theft or illegal drugs except in the course of legitimate research.
12. Making threats against any person or persons or engaging in any type of terrorist activity.
13. Urging the support or defeat of a political candidate or ballot proposition.
14. Disseminating, posting, or otherwise making available confidential, sensitive, or private information pertaining to students or employees to individuals who are not legally authorized to receive the information. Sensitive District material transmitted over the Internet (with authorization) shall be encrypted.
15. Disseminating defamatory information.



ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES (continued)

16. Unnecessary or unauthorized Technology usage that causes or attempts to cause, damage to or interference with any Technology, network or server, either locally or on any network that disrupts the instructional or work environment. Knowingly running, installing or giving to another user, any program on any computer system or network with the intended purpose of damaging or placing excessive load on a computer system or network used by others. Performing an act without authorization that will interfere with the normal operation of District Technology. Disguising, misrepresenting, or concealing the identity of a computer system connected to the District network. Attempting to circumvent data protection schemes or uncover security loopholes without prior written consent of the appropriate authority.
17. Attempting to monitor or tamper with another user's electronic communications or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the user, except as otherwise permitted under this Board Policy.
18. Using or assisting another to use an account or obtain a password without appropriate authorization.
19. Employing, either directly or by implication, a false identity when using an account or other electronic resource or posting or sending an anonymous communication. This includes sending unauthorized mail that appears to come from someone else as well as posting or otherwise disseminating materials which misrepresent the identity of the sender.
20. Providing students with access to confidential materials, including but not limited to grades, archives, test materials, or other inappropriate information.
21. Streaming video or audio content for purposes other than legitimate District business or instructional purposes.
22. Posting on electronic bulletin boards, Web pages, or any other computer network-based dissemination channel, any materials that violate District Policy or codes of conduct.
23. Using District networks to gain, or attempt to gain, unauthorized access to any computer system.
24. Facilitating or allowing use of a computer account, password, and/or network access or resources by any unauthorized person.

ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES (continued)

25. Posting an anonymous message or using web-based proxies/anonymizers or software that attempts to make online activity untraceable.
26. Sending emails or information that disrupts the instructional or work environment.

M. Web pages/Web 2.0 Sites

a. Access to Social Networking Sites

An employee with a school or District-related need to access a social networking site using District Technology must request such access from the Superintendent or designee. All postings to the site shall be business-related and consistent with Board Policy and Administrative Regulations.

b. Creation of School-Related Webpages/Web 2.0 Sites

- Definition of Web 2.0 site: A Web 2.0 site allows its users to interact with other users or to change website content, in contrast to non-interactive websites where users are limited to the passive viewing of information that is provided to them.
- Employees who wish to create a school or District-related webpage, either interactive (Web 2.0) or non-interactive, must have approval from the Superintendent or designee. The Superintendent or designee will approve the content of the site and determine whether the site will be structured to accept postings from individuals outside of the District. All such sites must be in compliance with the District's Board Policies.
- In determining whether to accept postings from individuals outside of the District for a particular purpose, the Superintendent may want to consult with legal counsel to determine the nature of the forum that is being created, as well as the ability of the District to exclude certain types of materials from the site without violating the free speech rights of the poster.
- If the Superintendent or designee approves the creation of a "limited public forum," (i.e., a site restricted to certain groups or dedicated solely to the discussion of certain subjects), any restrictions on speech shall be reasonable and viewpoint-neutral. The Superintendent or designee shall be responsible for monitoring the postings to the site and upon receipt of a complaint concerning inappropriate content shall take appropriate action. The site

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)

should direct visitors to make complaints to the Superintendent or School Principal. The following types of postings shall be removed immediately: obscenity, pornography/child pornography, material that is harmful to minors as defined in 47 U.S.C. 254, material that constitutes or advocates illegal activity, material that discloses confidential information concerning District students or personnel, material that promotes the use of alcohol, tobacco or illegal drugs, material that advocates violence, hate groups or other dangerous groups, threats, material that discriminates against people based on a protected characteristic, materials that violate copyright laws, commercial advertising, defamatory information, private information concerning another person, including photographs, posted without that person's permission, material that urges the support or defeat of a political candidate or ballot proposition.

- Employees shall not permit students to access District computers that contain a Web 2.0 site unless the site is created specifically for the class and is monitored by the teacher to remove the types of materials listed in subsection above. All students assigned to the class (and their parents) must be able to access class-related sites developed and maintained using District or Personal Technology; other individuals shall be excluded from such sites. Teachers and others may not post student names, photographs, or work without prior written authorization from the student's parent or guardian.

### c. Student Access to Employees' Personal Social Media Sites

- Employees are encouraged to carefully consider issues that may arise if they allow students to access their social media sites. For example, some parents perceive such access to be unprofessional. In addition, if students are engaging with each other on the site, the employee may have an obligation to monitor the communications for bullying or other inappropriate conduct. If an employee chooses to permit students to access their social media sites, it is recommended that all students in the class and all parents have such access. Employees are reminded that such sites should be professional and appropriate for students. It is suggested that employees maintain a separate social media presence for school/student use as opposed to the social media presence they have for their personal use.
- Social media sites that are accessible to District students or parents must include a disclaimer indicating that the site is not affiliated in any way with the District and the District does not endorse the contents of the site.

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)

### N. Intellectual Property

Technology may provide access to material protected by copyright, trademark, patent, trade secrets, and/or export law. Employees may not assume that merely because information is available on Technology to which they have access that it may be downloaded or further disseminated.

Employees must ensure that use of any material from Technology will not violate applicable law or intellectual property rights of any third party. Employees who are unsure as to whether the downloading or use of such material violates the rights of a third party or applicable law should make no use of such material (including downloading it) until receiving appropriate approval from the owner of the intellectual property. Likewise, no District proprietary information, or any material protected by copyright, trademark, patent, trade secrets and export law may be copied, posted, or otherwise distributed without the express written permission of the District.

Employees who need information concerning copyright are directed to consult with the Director of Technology and/or appropriate resources, such as <http://www.copyright.gov/> and Copyright Law in Cyberspace as indicated in the following website address: <http://www.utsystem.edu/OGC/IntellectualProperty;distance.him>.

### O. Passwords

Employees are responsible for their passwords. Users may change generic passwords to personalized passwords and keep them secure. Continued use of a generic password can result in someone else sending messages in the owner's name, in which case, the owner is held responsible. Current passwords may be requested by an Employee's supervisor and the supervisor will take reasonable precautions to maintain the confidentiality of the password except as needed for legitimate business purposes as set forth in this Board Policy.

Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the District or using District equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for District online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.

## ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION RESOURCES (continued)

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board Policy, and Administrative Regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

### Use of Cellular Phone or Mobile Communications Devices

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks. While on duty, an employee shall not use a cellular phone or other mobile communications device while driving except to make an emergency call to a law enforcement agency, a medical provider, the fire department, or other emergency services agency.

Any employee who uses a cell phone or mobile communications device in violation of law or Board Policy shall be subject to discipline and may be referred to law enforcement officials as appropriate.

### P. Internet Services

Employees shall not direct students to sign up for Internet services, such as e-mail accounts, without District authorization. Written permission from the parent/guardian shall be required in a form prescribed by the District.

### Q. Digital Millennium Copyright Act (DMCA) compliance

The District shall take all actions necessary to comply with the DMCA service provider requirements, including but not limited to, taking down allegedly infringing material upon receiving notice from an aggrieved copyright owner or his representative; terminating access to individuals who are repeat infringers; and accommodating standard technical measures used by copyright owners to identify or protect copyrighted works as required by law. The Designated Agent for receiving notice of claimed infringement is the Superintendent or Director of Technology. In order to constitute effective notice of claimed infringement, a written communication must be received by the Designated agent that includes the following six elements or substantially complies with the following:

ACCEPTABLE USE OF TECHNOLOGY AND ELECTRONIC INFORMATION  
RESOURCES (continued)

- a. A physical or electronic signature of the copyright owner or his authorized agent (“the complaining party”)
- b. Identification of the work claimed to have been infringed, or, if multiple copyrighted works are involved, a representative list of such works
- c. Identification of the material to be removed or access to which is to be disabled, with information reasonably sufficient to permit the service provider to locate this content
- d. Information reasonably sufficient to permit the service provider to contact the complainant party, such as an address, telephone number, and, if available, an email address
- e. A statement that the complaining party has a good faith belief that display of the material in the manner used is not authorized by the copyright owner, its agent, or the law
- f. A statement that the information in the notice is accurate, and under penalty of perjury, that the complaining part is authorized to act to protect an exclusive right that has allegedly been infringed

The District will promptly notify the individual who posted the allegedly infringing content that it has removed or disabled access to the content. This individual may then serve a counter-notification on the District. If the notice complies with statutory requirements, the District will re-post the material as required by law.

R. Endorsements or Hyperlinks

Unless authorized as stated herein, no person shall use the name “Lowell Joint School District” to imply, indicate or otherwise suggest that any corporation, firm, partnership, association, group, activity, or enterprise is connected or affiliated with, or is endorsed, favored, or supported by, or is opposed by the Lowell Joint School District. Use of the name “Lowell Joint School District,” as well as hyperlinks to outside websites, may be approved by the Superintendent or designee if it is determined that such use is in the District’s best interest; such approval shall be in writing.

S. Inadvertent Access

Employees who mistakenly access prohibited information or otherwise violate this Board Policy should immediately report the matter to their supervisor. This may help protect employees defend against a claim that they have intentionally violated District Policy.

Legal Reference:

EDUCATION CODE

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

WEB SITES

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

American Library Association: <http://www.ala.org>

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

Federal Communications Commission: <http://www.fcc.gov>

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

Policy Adopted: November 5, 2007

Policy Revised: June 18, 2012; June 18, 2013

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Employee Name

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Site

The Lowell Joint School District provides technology, including network and Internet services (including e-mail), telephone services (including voicemail), and other technological services to support the District's educational responsibilities and mission. Employees must comply with District Board Policy and local, state, and federal laws. Employees should be aware that unacceptable use of District technology or any technological device is a violation of District Policy and can be a violation of Local, State, and Federal law.

Employees may encounter material they interpret as inappropriate or offensive both on the Internet and via e-mail. While the District attempts to provide prudent and responsible barriers to such material, it is impossible to completely control this content. It is the Employee's responsibility to use caution while using District network, Internet, telephone, or other technological services. Employees are encouraged to report inappropriate content to the Director of Technology.

Use of District technology by every employee, student, volunteer, or other individual shall constitute that Person's acknowledgement of and agreement with this Board Policy. Furthermore, use of District technology does not create an expectation of privacy and the District reserves the right to review, monitor, and restrict information stored on and transmitted via District technology and to investigate the suspected unacceptable use of District resources.

Passwords, which allow access to District technology, must be protected at all times. Employees are not to disclose confidential information such as student information, to unauthorized individuals.

Unacceptable use of District technology includes, but is not limited to the following:

1. Activities that violate any federal, state, or local law or District Policy.
2. Downloading or distributing non-licensed software or additional copies of licensed software that exceed the number licensed by the District. Copyrighted information or software for which the District does not have specific approval to store and/or use must not be stored on District Technology.
3. Propagating computer viruses.
4. Downloading, displaying, soliciting, archiving, storing, distributing, editing, or recording sexually explicit messages or images, including but not limited to, pornography or other visual depictions that are harmful to minors as defined in the Children's Internet Protection Act, 47 U.S.C. 254.
5. Downloading entertainment software of games, except as may be directly related to an employee's job duties (e.g., instructional materials).
6. Downloading or installing any Internet/Intranet screen saver programs.
7. Disseminating printing, or sharing copyrighted materials, including articles and software in violation of copyright laws.
8. Operating a business or soliciting money for personal gain. Using District Technology for any activity that is commercial in nature not related to work at the District, such as consulting services, typing services, developing software for sale, advertising products, and/or other commercial enterprises for personal financial gain. Non-District personal solicitations are prohibited.
9. Using District Technology to defame or act abusively toward others or to provoke a violent reaction, such as stalking, acts of bigotry, threats of violence, or other hostile or intimidating "fighting words." Offensive or harassing statements or language, including disparagement of others based on their race, color, ethnicity, religion, national origin, veteran status, ancestry, disability, age, sex, sexual orientation, or other protected characteristic.
10. Gambling or engaging in any other activity in violation of local, state, or federal law.
11. Accessing or viewing information that promotes terrorism, espionage, theft or illegal drugs except in the course of legitimate research.
12. Making threats against any person or persons or engaging in any type of terrorist activity.



13. Urging the support or defeat of a political candidate or ballot proposition.
14. Disseminating, posting, or otherwise making available confidential, sensitive, or private information pertaining to students or employees to individuals who are not legally authorized to receive the information. Sensitive District material transmitted over the Internet (with authorization) shall be encrypted.
15. Disseminating defamatory information.
16. Unnecessary or unauthorized Technology usage that causes or attempts to cause, damage to or interference with any Technology, network or server, either locally or on any network that disrupts the instructional or work environment. Knowingly running, installing or giving to another user, any program on any computer system or network with the intended purpose of damaging or placing excessive load on a computer system or network used by others. Performing an act without authorization that will interfere with the normal operation of District Technology. Disguising, misrepresenting, or concealing the identity of a computer system connected to the District network. Attempting to circumvent data protection schemes or uncover security loopholes without prior written consent of the appropriate authority.
17. Attempting to monitor or tamper with another user's electronic communications or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the user, except as otherwise permitted under this Board Policy.
18. Using or assisting another to use an account or obtain a password without appropriate authorization.
19. Employing, either directly or by implication, a false identity when using an account or other electronic resource or posting or sending an anonymous communication. This includes sending unauthorized mail that appears to come from someone else as well as posting or otherwise disseminating materials which misrepresent the identity of the sender.
20. Providing students with access to confidential materials, including but not limited to grades, archives, test materials, or other inappropriate information.
21. Streaming video or audio content for purposes other than legitimate District business or instructional purposes.
22. Posting on electronic bulletin boards, Web pages, or any other computer network-based dissemination channel, any materials that violate District Policy or codes of conduct.
23. Using District networks to gain, or attempt to gain, unauthorized access to any computer system.
24. Facilitating or allowing use of a computer account, password, and/or network access or resources by any unauthorized person.
25. Posting an anonymous message or using web-based proxies/anonymizers or software that attempts to make online activity untraceable.
26. Sending emails or information that disrupts the instructional or work environment.

Employees in violation of the District Technology Employee Acceptable Use Policy will be subject to disciplinary action up to and including termination of employment and referral to the appropriate authorities for legal prosecution.

I have read, understand, and agree to comply with the above-stated District Technology Employee Acceptable Use Policy.

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Employee Signature

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Date

## Personnel

### Healthy Workplaces, Healthy Families Act 2014 (AB 1522)

The Governing Board recognizes the Healthy Workplace and Healthy Families Act of 2014 (a) Ensure that workers in California can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of paid sick days including time for family care. (b) Decrease public and private health care costs in California by enabling workers to seek early and routine medical care for themselves and their family members and to address domestic violence or sexual assault. (c) Protect employees in California from losing their jobs while they use sick days to care for themselves or their families. (d) Provide economic security to employees in California who take time off from work for reasons related to domestic violence or sexual assault. (e) Safeguard the welfare, health, safety, and prosperity of the people of and visitors to California

This policy is only applicable to employees not covered by a bargaining unit agreement, with the exception of managerial positions.

- An employee who, on or after July 1, 2015, works in California for 30 or more days within one year from the beginning of employment is entitled to paid sick leave.
- An employee may use granted paid sick days beginning on the 90<sup>th</sup> day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- Usage is limited to 24 hours or 3 days per fiscal year (July 1 through June 30) in each year of employment, paid at the regular wage rate.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

Any non-bargaining member employee who works for 30 or more days within a year of his/her employment shall be credited with 1 hour for every 30 hours worked up to 24 hours or 3 days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246).

Any non-bargaining member may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5;
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Legal Reference:

LABOR CODE

230 (c) Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 (a) Employers with 25 or more employees; domestic violence, sexual assault and stalking victim's, right to time off

245-249 Healthy Workplaces, Healthy Families Act of 2014

## **Personnel**

### **Certificated Personnel**

The Board of Trustees recognizes that teachers and other certificated personnel work closely with students in carrying out the district's educational goals. The Superintendent or designee shall ensure that the duties, responsibilities, and district's expectations for certificated positions are clearly defined and made known to each member of the certificated staff.

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and negotiated agreements.

(cf. 4115 - Evaluation/Supervision)  
(cf. 4141/4241 - Collective Bargaining Agreement)

The Board strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

(cf. 4131 - Staff Development)

Policies, rules and regulations related to certificated personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

#### Legal Reference:

##### EDUCATION CODE

90 Definition, certificated and certified

44006 Certificated person

44490-44497 Mentor teacher program

##### GOVERNMENT CODE

3543.2 Scope of representation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Recruitment And Selection**

The Board of Trustees desires to employ the most highly qualified and appropriate person available for each open position in order to improve student achievement and efficiency in district operations.

- (cf. 4000 - Concepts and Roles)
- (cf. 4100 - Certificated Personnel)
- (cf. 4200 - Classified Personnel)
- (cf. 4300 - Management, Supervisory and Confidential Personnel)

The Superintendent or designee shall recruit candidates for open positions based on an assessment of the district's needs for specific skills, knowledge and abilities. He shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position, and shall disseminate job announcements to ensure a wide range of candidates.

- (cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. He/she may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

For each position, the Superintendent or designee shall present to the Board one or more candidates who meet all qualifications established by law and the Board for the position. No person should be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

## **Personnel**

### **Recruitment And Selection (continued)**

(cf. 4112 - Appointment and Conditions of Employment)  
(cf. 4112.2 - Certification)  
(cf. 4212 - Appointment and Conditions of Employment)  
(cf. 4312.1 - Contracts)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
44066 Limitations on certification requirement  
44259 Teaching credential; exception; designated subjects; minimum requirements  
44735 Incentive grants for recruiting teachers for low-performing schools  
44750-44754.5 Regional teacher recruitment centers  
44830-44831 Employment of certificated persons  
44858 Age or marital status in certificated positions  
44859 Prohibition against certain rules and regulations re residency  
45103-45138 Employment (classified employees)  
49406 Examination for tuberculosis  
52051 Academic Performance Index

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, including:  
12940-12956 Discrimination prohibited; unlawful practices

##### UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens  
1324b Unfair immigration related practices

##### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

##### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

## **Personnel**

### **Certification**

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications have the appropriate credential or permit authorizing their employment in such positions.

(cf. 4111 - Recruitment and Selection)

(cf. 4112.21 - District Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4113 - Assignment)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

When fully credentialed individuals are not available, the district may employ persons with intern permits, emergency permits, pre-intern certificates or credential waivers under the conditions and limitations provided in state and federal law.

As necessary, all teachers of core academic subjects teaching in programs supported by federal Title I funds shall meet the requirements of the No Child Left Behind Act. By the end of the 2005-06 school year, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

#### National Board for Professional Teaching Standards Certification

The Board encourages district teachers to voluntarily seek, from the National Board for Professional Teaching Standards, additional certification that demonstrates advanced knowledge and teaching skills.

The Superintendent or designee may provide adequate release time and support to teachers participating in the program.

#### Legal Reference:

##### EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

44066 Limitations on certification requirements

44200-44405 Teacher credentialing, especially:

44225.6 CTC annual report on credentials, internships and emergency permits

44225.7 Priorities for recruitment when fully prepared teacher not available

44251 Period of credentials

## **Personnel**

### **Certification (continued)**

Legal Reference: (continued)

44252 Standards and procedures for issuance; proficiency testing of basic skills  
44252.5 State basic skills assessment required for certificated personnel  
44259 Minimum requirements for teaching credential  
44259.5 Standards for teachers of all students, including English language learners  
44259.8 Alternative means of entering teaching profession  
44270.3-44270.4 Out-of-state credentials, administrative services  
44274-44274.5 Out-of-state credentials  
44275.3 Employment of teachers with out-of-state credentials  
44277 Requirements for maintaining valid credentials  
44278 Credential appeal  
44300-44301 Emergency permits  
44302 CTC notification re district options when fully qualified teacher not available  
44305-44308 Pre-internship teaching certificates  
44325-44329 District interns  
44330-44355 Certificates and credentials  
44395-44399 National Board for Professional Teaching Standards  
44464 Period of validity of internship credential  
44468 Early completion of internship credential  
44500-44508 Peer Assistance and Review Program for Teachers  
44662 Performance Evaluation; Stull Act review  
44735 Teaching as a priority block grant  
44751 Recruitment centers  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
90530 Recruitment Centers  
CODE OF REGULATIONS, TITLE 5  
6100-6125 Teacher qualifications, No Child Left Behind Act  
80001-80690.1 Commission on Teacher Credentialing  
UNITED STATES CODE, TITLE 20  
6311 Parental notifications  
6312 District Title I plan  
6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher  
CODE OF FEDERAL REGULATIONS, TITLE 34  
200.55-200.57 Highly qualified teachers  
200.61 Parent notification regarding teacher qualifications

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Legal Status Requirement**

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows continuing employment eligibility. (8 CFR 274a.2)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Appointment And Conditions Of Employment**

Upon recommendation from the Superintendent or designee, the Board of Trustees shall approve the appointment of all certificated employees. The position and the salary classification shall be reported to the Board at a regular meeting.

(cf. 4111 - Recruitment and Selection)

(cf. 4121 - Temporary/Substitute Personnel)

Individuals appointed to the certificated staff shall, at a minimum:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330) (cf. 4112.2Certification) (cf. 4112.21. - District Interns)
2. Demonstrate proficiency in basic skills as required by law (Education Code 44252.5, 44830)
3. Submit to fingerprinting as required by law (Education Code 44830.1)
4. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1) (cf. 4112.5/4312.5 - Criminal Record Check) (cf. 4118 - Suspension/Disciplinary Action)
5. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)
6. Not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95) (cf. 3515.5 - Sex Offender Notification)
7. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)

**Personnel**

**Appointment And Conditions Of Employment (continued)**

8. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)
9. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406) (cf. 4112.4/4212.4/4312.4 - Health Examinations)
10. Submit to drug and alcohol testing as required by Board policy (cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
11. Furnish a statement of military service and, if any was rendered, a copy of the discharge or release from service or, if no such document is available, other suitable evidence of the termination of service (Education Code 44838)
12. File the oath or affirmation of allegiance required by Government Code 3100-3109 (cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
13. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation (cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44008 Effect of termination of probation

44009 Conviction of specified crimes; definitions

44010 Sex offense

44011 Controlled substance offense

44066 Limitation on certification requirements

44250-44279 Credential types

44330 Effect of registration of certification document

44836 Employment of person convicted of sex offenses or controlled substance offenses

44837 Employment of sexual sociopath

**Personnel**

**Appointment And Conditions Of Employment (continued)**

Legal Reference: (continued)

44838 Statement of military service

44839 Medical certificate

44839.5 Medical certificate for retirant

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Contracts**

When initially employed, certificated employees shall receive a written statement of their employment status and salary. In the case of temporary employees, this statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

(cf. 4121 - Temporary/Substitute Personnel)  
(cf. 4312.1 - Contracts)

### Reemployment Notices

In March of each year, the clerk or secretary of the Board may give written notices to probationary and permanent certificated employees requesting that they notify the district of their intent to remain in district service for the next school year. If an employee, without good cause, fails to notify the district before July 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. (Education Code 44842)

(cf. 4113 - Assignment)  
(cf. 4117.2/4217.2/4317.2 - Resignation)  
(cf. 4117.4 - Dismissal)  
(cf. 9122 - Secretary)

### Employee Notification

An employee on leave of absence shall notify the district of his/her intent to remain in service the following year in accordance with law, Board policy and administrative regulation.

(cf. 4161/4261 - Leaves)

### Continuing Contracts

The Board of Trustees may offer certificated employees in positions requiring a supervision or administration credential a continuing contract longer than one school year. Upon recommendation of the Superintendent, the Board of Trustees may approve continuing contracts on an individual basis. (Education Code 44883)

**Personnel**

**Contracts (continued)**

Legal Reference:

EDUCATION CODE

44832 Teachers; notice of intent to return

44842 Failure to provide notice or to report to work

44843 Notice of employment (to county superintendent)

44916 Time of classification; statement of employment status

44929.20 Continuing contract-districts w/less than 250 ADA

44955 Reduction in number of employees

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Certification**

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications have the appropriate credential or permit authorizing their employment in such positions.

(cf. 4111 - Recruitment and Selection)

(cf. 4112.21 - District Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4113 - Assignment)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

When fully credentialed individuals are not available, the district may employ persons with intern permits, emergency permits, pre-intern certificates or credential waivers under the conditions and limitations provided in state and federal law.

As necessary, all teachers of core academic subjects teaching in programs supported by federal Title I funds shall meet the requirements of the No Child Left Behind Act. By the end of the 2005-06 school year, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

#### National Board for Professional Teaching Standards Certification

The Board encourages district teachers to voluntarily seek, from the National Board for Professional Teaching Standards, additional certification that demonstrates advanced knowledge and teaching skills.

The Superintendent or designee may provide adequate release time and support to teachers participating in the program.

#### Legal Reference:

##### EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

44066 Limitations on certification requirements

44200-44405 Teacher credentialing, especially:

44225.6 CTC annual report on credentials, internships and emergency permits

44225.7 Priorities for recruitment when fully prepared teacher not available

44251 Period of credentials

## **Personnel**

### **Certification (continued)**

Legal Reference: (continued)

44252 Standards and procedures for issuance; proficiency testing of basic skills  
44252.5 State basic skills assessment required for certificated personnel  
44259 Minimum requirements for teaching credential  
44259.5 Standards for teachers of all students, including English language learners  
44259.8 Alternative means of entering teaching profession  
44270.3-44270.4 Out-of-state credentials, administrative services  
44274-44274.5 Out-of-state credentials  
44275.3 Employment of teachers with out-of-state credentials  
44277 Requirements for maintaining valid credentials  
44278 Credential appeal  
44300-44301 Emergency permits  
44302 CTC notification re district options when fully qualified teacher not available  
44305-44308 Pre-internship teaching certificates  
44325-44329 District interns  
44330-44355 Certificates and credentials  
44395-44399 National Board for Professional Teaching Standards  
44464 Period of validity of internship credential  
44468 Early completion of internship credential  
44500-44508 Peer Assistance and Review Program for Teachers  
44662 Performance Evaluation; Stull Act review  
44735 Teaching as a priority block grant  
44751 Recruitment centers  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
90530 Recruitment Centers  
CODE OF REGULATIONS, TITLE 5  
6100-6125 Teacher qualifications, No Child Left Behind Act  
80001-80690.1 Commission on Teacher Credentialing  
UNITED STATES CODE, TITLE 20  
6311 Parental notifications  
6312 District Title I plan  
6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher  
CODE OF FEDERAL REGULATIONS, TITLE 34  
200.55-200.57 Highly qualified teachers  
200.61 Parent notification regarding teacher qualifications

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Certification**

#### Registration

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the Los Angeles County Office of Education a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 42647. 44332.5, 44857)

#### Basic Skills Proficiency Test

Prior to being hired by the Board of Trustees, all certificated persons, whether hired on a permanent, temporary or substitute basis, shall demonstrate basic skills proficiency in reading, writing and mathematics, unless specifically exempted from this requirement by Education Code 44830. (Education Code 44830)

Certified persons who have not held a position requiring certification within 39 months of employment and who have not taken the state basic skills proficiency test may be hired as temporary employees, provided they pass a basic skills proficiency test developed and administered by the district. Such employees shall subsequently take the state test within one year of employment (Education Code 44830)

Persons holding a designated subjects/special subjects credential or vocational designated subject credential shall not be required to take the state basic skills proficiency test unless their specific credential requires the possession of a baccalaureate degree. Instead, these persons shall be assessed with district proficiency criteria established by the Board for these credentials, which shall be at least equivalent to the district test required for graduation from high school. (Education Code 44252, 44830)

#### Out-of-State Credentials

The district may employ an out-of-state applicant who has met the requirements of Education Code 44274.2, 44275.3 or 44275.4 and obtained a preliminary or professional clear credential from the Commission on Teacher Credentialing (CTC).

(cf. 4112.5/4312.5 - Criminal Record Check)

A teacher prepared out of the state or country who has been issued a five-year California preliminary credential shall pass the state basic skills proficiency test described above within one year of the issuance date of the credential in order to be eligible to continue teaching, unless the CTC has determined that the teacher licensing body of the state in

## **Personnel**

### **Certification (continued)**

which the teacher completed his/her preparation requires an applicant to demonstrate a level of basic skills proficiency that is at least comparable and equivalent to passage of the state basic skills proficiency test. (Education Code 44274, 44275.3)

To be eligible for a professional clear credential, he/she must also meet legal requirements for subject matter competence, course completion, and either a fifth-year postsecondary program or an induction program for beginning teachers. (Education Code 44274.2, 44275.3, 44275.4)

### **Emergency Substitute Teaching Permits**

The district may employ persons with an emergency 30-day substitute permit for 30 days or less for any one teacher during the school year. Persons with an emergency substitute permit may be employed for 20 school days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction. (Education Code 56061; 5 CCR 80025, 80025.4)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025)

### **Emergency Teaching or Specialist Permits**

Before employing persons with emergency teaching or specialist permits for more than 20 days in special education positions or for more than 30 days in other positions, the Board shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs. (Education Code 44300; 5 CCR 80026)

The district's diligent search shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching as a Priority block grant pursuant to Education Code 44735, participating in the state and regional recruitment centers established pursuant to Education Code 44751 and 90530, and participating in job fairs in the state. (Education Code 44300)

(cf. 4111 - Recruitment and Selection)

## **Personnel**

### **Certification (continued)**

The Board shall certify by an annual Declaration of Need that it has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7)

For any assignment for which a suitable fully prepared teacher is not available, the district shall make reasonable efforts to recruit an individual in the following priority order: (Education Code 44225.7)

1. A candidate who is scheduled to complete initial preparation requirements within six months
2. A candidate who is qualified to participate in an approved internship program in the region of the district

If a suitable person who meets these priorities is not available, the district may request that the Commission on Teacher Credentialing approve the assignment of a person who does not meet the above criteria. (Education Code 44225.7)

In the year of need, the district shall submit to the CTC, on a form provided by the commission, a declaration of need for fully qualified educators. The declaration of need shall be made in the form of a motion adopted by the Board during a regularly scheduled public Board meeting. The motion shall not be part of the consent agenda. (Education Code 44300; 5 CCR 80026)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

**Personnel**

**Certification**

Exhibit 2

PARENTAL NOTIFICATION: TEACHER QUALIFICATIONS (for optional use by all schools)

To Parents/Guardians:

The \_\_\_\_\_ School is a Title I school receiving funds through the federal No Child Left Behind (NCLB) Act of 2001. The NCLB Act grants you the right to know that your child's teacher [include teacher's name when child is instructed by more than one teacher] is authorized to teach in the State of California and satisfies state licensure requirements, but meets one of the following conditions and therefore may not yet satisfy NCLB requirements:

1. Holds a pre-internship certificate
2. Holds an emergency credential
3. Does not have a major or equivalent coursework in the subject matter being taught

If you have any questions, please contact the principal at [ phone number ].

## **Personnel**

### **District Interns**

The Board of Trustees supports the use of interns in the district to fulfill the district's need for additional instructional resources and to enable future teachers to fulfill state credentialing requirements and link teaching theory with practice.

The Superintendent or designee may enter into agreements with accredited colleges and universities to jointly provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall collaborate with the college or university in the selection, placement, support and performance assessment of interns.

Interns shall be provided with ongoing feedback regarding their performance in order to enhance their skills and shall be formally evaluated at least once every year.

(cf. 4115 - Evaluation/Supervision)

Interns shall be classified as probationary employees and shall achieve permanent status with the district only as provided by law and administrative regulations. (Education Code 44466, 44885.5)

(cf. 4116 - Probationary/Permanent Status)

### **Pre-Internship Teaching Program**

To provide pre-interns with early, focused preparation in the subject matter they are assigned to teach and to assist them in progressing into a teacher internship program, the district shall provide a program of intensive preparation, support and assistance to individuals with pre-internship certificates issued by the Commission on Teacher Credentialing.

#### **Legal Reference:**

##### **EDUCATION CODE**

300-340 English Language Education for Immigrant Children

44279.1-44279.7 Beginning Teacher Support and Assessment System

44305-44308 Pre-Internship Teaching Program

44314 Diversified or liberal arts program

44321 CTC approval of internship programs

44325-44328 District interns

44450-44467 Teacher Education Internship Act of 1967 (university interns)

44520-44534 New Careers Program

**Personnel**

**District Interns (continued)**

Legal Reference: (continued)

44830.3 Employing district interns

44885.5 District interns classified as probationary employees

CODE OF REGULATIONS, TITLE 5

13000-13017 New Careers Program

80055 Internship credential

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **District Interns**

#### District Internship Program

The Board of Trustees may, in consultation with an accredited college or university offering an approved program of teacher preparation, employ individuals with appropriate certification from the Commission on Teacher Credentialing to teach as district interns in grades K through 8. (Education Code 44830.3)

(cf. 4112.2 - Certification)

Interns holding certificates to teach in grades 6 through 8 of a departmentalized program should teach only in subject areas in which they have completed an undergraduate academic major or minor. (Education Code 44326)

Interns holding certificates to teach in grades kindergarten through 8 in a self-contained program, and who have completed an academic major or minor or a diversified or liberal arts degree that includes the subject-matter coursework prescribed in Education Code 44314, are authorized to teach in those grades or classes. (Education Code 44326)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

The Superintendent or designee shall develop and implement a professional development plan for each district intern, in consultation with the college or university, which shall include: (Education Code 44830.3)

1. Provisions for an annual evaluation of the district intern
2. If necessary, a description of the courses to be completed by the intern and a plan for the completion of preservice or other clinical training, including student teaching
3. Mandatory preservice training tailored to the grade level or class to be taught, through either of the following options:
  - a. Under the direct supervision of an experienced permanent teacher, 120 clock hours of training and orientation in child development and methods of teaching the subject(s) to which the intern will be assigned, after which the teacher shall inform the district regarding the area that should be emphasized in future training of the intern

## **Personnel**

### **District Interns (continued)**

- b. Successful completion of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the district to cover child development and methods of teaching the subject(s) to be taught
4. Instruction in child development and teaching methods during the first semester of service in grades kindergarten through 6, including bilingual classes at those levels

The professional development plan shall be submitted to the Commission on Teacher Credentialing prior to requesting a district intern certificate.

The Superintendent or designee shall ensure that appropriate records are maintained, showing the credit earned by each intern. (Education Code 44327)

When a district intern's certificate expires, the Superintendent or designee may recommend to the Commission on Teacher Credentialing that the certificate be extended for one year. (Education Code 44325)

After an intern has successfully completed his/her internship, the Board may recommend to the Commission on Teacher Credentialing that the intern be awarded a professional clear credential. (Education Code 44328, 44830.3)

### **University Internship Program**

The Board may employ persons with appropriate internship certification from the Commission on Teacher Credentialing to provide the same service at the same levels as the regular credential authorizes. (Education Code 44454)

The Superintendent or designee shall seek the assistance of the college or university in coordinating the intern's program. (Education Code 44465)

The Superintendent or designee also may enter into agreements to employ competent and qualified college and university staff members to supervise and guide interns as they pursue their district responsibilities. (Education Code 44461)

Salary payments for supervision of interns may be made out of district funds and may be met by reducing proportionately the salaries paid interns in the manner provided by law. (Education Code 44462)



## **Personnel**

### **District Interns (continued)**

Prior to enrollment in any college or university program to renew the internship credential, the Superintendent or designee shall counsel with the intern and jointly plan a total program for the first and subsequent renewals. The program shall meet the instructional or service needs of the district with the primary objective being to increase the effectiveness of the intern in the district. (Education Code 44457, 44458)

The district shall seek the cooperation of public and private colleges and universities, especially those within the geographic service area of the district, for the establishment of courses and classes necessary for renewal. (Education Code 44459)

#### **Pre-Internship Teaching Program**

The Superintendent or designee shall ensure that experienced teachers and other appropriate district personnel are involved in the delivery of preparation and support to pre-intern teachers. He/she also shall collaborate with college or university personnel to ensure the availability of courses needed by pre-interns.

Preparation for pre-interns shall begin before or during the first semester of the pre-internship and shall include, but not be limited to, lesson planning, classroom management and organization.

No later than the second year of employment, the program for each pre-intern shall reflect the California Standards for the Teaching Profession jointly developed by the Commission on Teacher Credentialing and the California Department of Education.

The Superintendent or designee may exempt an individual from participation in the pre-internship program if that individual holds an emergency substitute teaching permit, has completed most of the requirements for a preliminary teaching credential and/or holds a limited assignment emergency permit as a result of consenting to teach temporarily outside his/her field of certification. (Education Code 44307.5)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Staff Teaching Students Of Limited English Proficiency**

The Superintendent or designee shall ensure compliance with state staffing requirements for serving English language learners by:

(cf. 6174 - Education for English Language Learners) Demonstration of Educational Results (CDE Option 1)

The district providing data demonstrating that limited English proficient (LEP) or former LEP students are performing at a level equal to or above that of all students statewide, or that current LEP students are learning at a sufficiently rapid pace to close the gap between their performance and that of all students.

(cf. 6162.5 - Student Assessment) (cf. 4112.2 - Certification)

A teacher shall be considered qualified to provide specially designed content instruction delivered in English if he/she meets both of the following conditions:

(Education Code 44253.10)

The teacher, as of January 1, 1999, is a permanent employee of the district or was previously a permanent employee and then was employed in any California public school district within 39 months of the previous permanent status.

(cf. 4116 - Probationary/Permanent Status)

The teacher completes, prior to January 1, 2005, 45 hours of staff development in methods of specially designed content instruction delivered in English.

A teacher who has completed the above training may provide specially designed content instruction delivered in English and English language development in any departmentalized teaching assignment consistent with the teacher's basic credential. The teacher may provide instruction for English language development in a self-contained classroom if he/she has accomplished one or both of the following: (Education Code 44253.10)

1. Has taught for at least nine years in California public schools, certified that he/she has had experience or training in teaching LEP students, and authorized verification by the entity that issued a certificate of completion for the staff development.

## Personnel

### Staff Teaching Students of Limited English Proficiency (continued)

2. Has completed, within three years of completing the staff development described above, an additional 45 hours of staff development, including specially designed content instruction delivered in English and English language development training

During the period when the teacher is pursuing training in instruction for English language development or specially designed content instruction delivered in English, he/she may be provisionally assigned to provide that instruction. (Education Code 44253.10)

#### Local Designation of Qualified Teachers

Teachers providing English language development and/or primary language instruction meeting district criteria for teacher proficiencies which have been approved by the California Department of Education.

#### Plan to Remedy the Shortage of Qualified Teachers

The Superintendent or designee developing a plan to remedy the district's shortage of qualified teachers in accordance with law and with California Department of Education approval.

This plan shall include an appropriate staff development program designed to provide training in English language development teaching methodology, bilingual cross-cultural teaching methodology, and the acquisition of the primary languages of LEP students. As part of this plan, appropriately qualified bilingual paraprofessionals may be teamed with regular teachers. The plan shall specify the number of teachers to be trained and the number expected to meet certification or local designation standards each year. The training program also shall address the needs of teachers who instruct LEP students on an interim basis.

(cf. 4112.21 - District Interns)

(cf. 4222 - Teacher Aides/Paraprofessionals)

#### General Waiver Authority

When the district is unable, after good faith efforts, to obtain the human and material resources necessary to provide instructional and support services for LEP students, the district requesting a waiver from the State Board of Education under the General Waiver Authority. (Education Code 33050)

**Personnel**

**Staff Teaching Students Of Limited English Proficiency (continued)**

(cf. 1431 - Waivers)

**Specially Designed Services and Training**

Whenever there are fewer than 51 students of a particular language group in the district or fewer than 21 students of a particular language group in any school, the Superintendent or designee may design special instructional services and staff training programs in concert with the California Department of Education's Bilingual Education Office.

(cf. 4113 - Assignment)

(cf. 4131 - Staff Development)

(cf. 6190 - Evaluation of the Instructional Program)

**Legal Reference:**

**EDUCATION CODE**

10600-10610 California Education Information System

33050 Request for waiver of code provisions

44225 Duties of the Commission on Teacher Credentialing

44253.1-44253.10 Certification for bilingual-cross cultural competence

44259.5 Standards for teachers of all students, including English language learners

44380-44386 Alternative certification

44760-44763 Teacher supply and demand reporting

52160-52178 Bilingual-Bicultural Act of 1976

52180-52186 Bilingual teacher training assistance program

62000-62005.5 Evaluation and sunseting of programs

**CODE OF REGULATIONS, TITLE 5**

80680-80690.1 Staff development programs for teachers of English learners

**UNITED STATES CODE, TITLE 20**

1701-1704 Equal Educational Opportunities

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Oath or Affirmation**

All certificated employees shall comply with the legal requirements to subscribe to an oath or affirmation to support the institutions and policies of the United States and the State of California. The oath or affirmation shall be filed with the Commission on Teacher Credentialing.

#### Legal Reference:

##### EDUCATION CODE

60 Persons authorized to administer and certify oaths

44334 Oath or affirmation required for credential

44354 Administration of oath required for credential

##### GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

##### CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Oath Or Affirmation**

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 9224 - Oath or Affirmation)

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

(cf. 4121 - Temporary/Substitute Personnel)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

**Personnel**

**Oath Or Affirmation**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

(Signature)

Certified by:

(Person who administers the oath)

## **Personnel**

### **Health Examinations**

#### New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

#### Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Board of Trustees may require continuing employees to undergo tuberculosis tests when requested by the local health officer.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41 - Employees with Infectious Disease)

#### Legal Reference:

##### EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

##### CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Health Examinations**

#### New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An X-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
  - b. By having the last employing school verify that it has on file a current certificate which contains that showing.
2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of pre-employment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

#### Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

**Personnel**

**Health Examinations (continued)**

Tuberculosis tests and other medical examinations required by the Superintendent or designee shall be administered by a physician licensed under the Business and Professions Code and shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

**Food Service Workers**

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any district cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Drug Testing**

The Board of Trustees maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

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

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

#### **Pre-Employment Drug/Alcohol Testing**

Once a conditional offer of employment has been made, prospective employees shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

All medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

44839 Medical certificate; periodic medical examination

45122 Physical examinations

##### **GOVERNMENT CODE**

8350-8357 Drug-free workplace

12940 Unlawful employment practices

##### **CODE OF REGULATIONS, TITLE 5**

5504 Medical certification procedures

##### **UNITED STATES CODE, TITLE 41**

701-707 Drug-Free Workplace Act

##### **UNITED STATES CODE, TITLE 20**

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Drug Testing**

#### Pre-Employment Drug/Alcohol Screening

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district.

To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Governing Board policy and administrative regulation. The district shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Superintendent or designee is presented with a court order requiring the disclosure.

If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test shall be conducted at the district's expense.

Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district, but must submit the results of a new test at their expense.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Criminal Record Check**

#### Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c).

(cf. 4112 - Appointment and Conditions of Employment)  
(cf. 4112.2 - Certification)

However, a certificated employee may be hired by the district, without obtaining a criminal record summary, if that employee became a permanent employee of another school district as of October 1, 1997. (Education Code 44830.1)

(cf. 4121 - Temporary/Substitute Personnel)

#### Temporary Certificate of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code 44332.6)

#### Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

## **Personnel**

### **Criminal Record Check (continued)**

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

#### Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee without regard to any other procedure for termination specified in the Education Code or district procedures. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

#### Legal Reference:

##### EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.5 Registering certificates by certain districts

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

**Personnel**

**Criminal Record Check (continued)**

Legal Reference:

(continued) PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personnel Records**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

Personnel files shall be reviewed and replaced within the shortest time possible.

Files for District Police/Security Officers

(cf. 3515.3 - District Police/Security Department)

Placement of Material in Personnel Files

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)



## **Personnel**

### **Personnel Records (continued)**

#### Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5141.4 - Child Abuse Reporting Procedures)

#### File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall: (Labor Code 1198.5)

1. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee
2. Schedule a review of the records at a time that does not conflict with the employee's regular duties, if possible

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

## **Personnel**

### **Personnel Records (continued)**

The Superintendent or designee shall not be required to make available to the employee:  
(Labor Code 1198.5, Education Code 44031)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

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

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

#### **File Review by Management and Board**

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

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

**Personnel**

**Personnel Records (continued)**

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment References**

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. Only letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he gives shall provide a complete account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

#### Legal Reference:

##### LABOR CODE

1050-1054 Reemployment privileges

##### CIVIL CODE

47 Privileged communication

##### CODE OF CIVIL PROCEDURE

527.3 Labor disputes

##### CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Employment References**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment Of Relatives**

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment of Relatives**

The following regulations shall govern conflict of interest in the employment of staff:

1. A Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's spouse or children as long as the Board member's interest in the contract is disclosed to the Board, and, thereafter, when the Board authorizes, approves or ratifies the contract by a vote sufficient for the purpose. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract. (Government Code 1091)
2. A Board member shall not be deemed to be interested in a contract between the Board member's spouse and the district, provided the Board member's spouse has been employed by the district for at least one year prior to the Board member's selection or appointment. (Government Code 1091.5)
3. Persons related by blood or marriage to a district employee should not be appointed to positions where the district employee maintains supervisory or evaluation responsibilities for the position.
4. Members of the same family may be employed at the same department or work location upon written approval by the Superintendent or his designated representative.

It is the intent of these rules to avoid any situation wherein there can arise a conflict of interest either on the part of a member of the Board of Trustees or a member of the administrative staff.

#### Legal Reference:

##### GOVERNMENT CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities

12940 Unlawful employment practices exceptions

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 et seq. Conflicts of Interest

87200 et seq. Disclosure

87300 et seq. Conflict of Interest Code

91000 et seq. Enforcement

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Notifications**

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

#### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. E 4112.9 – Signed Statement – Child Abuse Reporting Requirements)

2. Oath or affirmation of allegiance required of public employees

(cf. 4112.3 - Oath or Affirmation)

3. Hepatitis B vaccine declination

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

4. Notice of release from position requiring an administrative or supervisory credential

(cf. 4313.2 - Promotion/Demotion/Reclassification)

5. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek

(cf. 4212 - Appointment and Conditions of Employment)

6. Information about certificated employee membership in the State Teachers' Retirement System

(cf. 4117.1 - Retirement)

#### Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace

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



**Personnel**

**Employee Notifications (continued)**

2. The district's nonsmoking policy  
(cf. 3513.3 - Tobacco-Free Schools)
3. Prohibition of sexual harassment  
(cf. 4119.11 - Sexual Harassment)
4. The certificated employee's employment status and salary  
(cf. 4112.1 - Contracts)
5. State disability insurance rights and benefits  
(cf. 4154 - Health and Welfare Benefits)
6. Certificated employee evaluations  
(cf. 4115 - Evaluation/Supervision)  
(cf. 4315 - Evaluation/Supervision)
7. Requirements and information pertinent to emergency teaching or specialist permit applicants  
(cf. 4112.2 - Certification)

Legal Reference:

EDUCATION CODE

- 231.5 Sexual harassment policy
- 22455.5 STRS information to potential members
- 22515 Irrevocable election to join STRS
- 44031 Personnel file contents, inspection
- 44663 Evaluation and assessment; copy to certificated employee
- 44916 Written statement of employment status
- 44949 Cause, notice and right to hearing
- 44951 Continuation in position unless notified
- 45113 Notification of charges
- 45169 Employee salary data

**Personnel**

**Employee Notifications (continued)**

GOVERNMENT CODE 3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

**Personnel**

**Employee Notifications**

**Signed Statement**

**Child Abuse Reporting Requirements**

Section 111.66 of the Penal Code requires any child care custodian, medical practitioner, nonmedical practitioner or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim or a child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

“Child care custodian” includes teachers, administrative officers, supervisor of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; licensees, administrators and employees of community care facilities or child day care facilities licensed to care for children; head start teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; and social workers or probation officers.

“Medical practitioner” includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code or emergency medical technicians I or II, paramedics, or other persons certificated pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, or psychological assistants registered pursuant to Section 2913 of the Business and Professions Code.

“Nonmedical practitioner” includes state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; marriage family or child counselors; and religious practitioners who diagnose, examine or treat children.

I have been informed of the above law and will comply with its provisions.

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(TYPE EMPLOYEE’S NAME BELOW LINE, REQUIRING SIGNATURE ABOVE)

This statement is a permanent record of the Lowell Joint School District. The cost of printing, distribution and filing of these statements is borne by the Lowell Joint School District.

## **Personnel**

### **Assignment**

In order to serve the best interests of students and the educational program, the Board of Trustees authorizes the Superintendent or designee shall assign certificated personnel to positions for which their preparation, certification, experience and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.21 – Interns)

(cf. 4112.22 – Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 – Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement.

(cf. 4114 - Transfers)

(cf. 4141/4241- Collective Bargaining Agreement)

The Board encourages the assignment of experienced and fully credentialed teachers, including those who have attained National Board for Professional Teaching Standards certification, to schools with the greatest need to improve student achievement.

Teachers shall be assigned to teach core academic subjects in Title I and non-Title I programs in accordance with the requirements of No Child Left Behind Act pertaining to teacher qualifications. (20 USC 6319, 7801; 5 CCR 6100-6126)

The Superintendent or designee may assign holders of a credential other than an emergency permit to teach subjects outside their credential authorization in departmentalized classes. Superintendent or designee shall develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. (Education Code 44258.3)

(cf. 4117.3 - Personnel Reduction)

The Superintendent or designee shall periodically report to the Board on any teacher misassignments. He/she shall report to the Board the results of the County Superintendent's review of district misassignments and vacancies, and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 – Williams Uniform Complaint Procedures)

## **Personnel**

### **Assignment (continued)**

#### Committee on Assignments

The Superintendent or designee may establish a committee on assignments which may grant approval for the assignment of full-time teachers to teach one or more elective courses outside their credential authorization in an area for which they have special skills or preparation.

#### Legal Reference:

##### EDUCATION CODE

33126 School accountability report card

35035 Additional powers and duties of superintendent

35186 Complaint process

44225.6 Commission report to the legislature re: teachers

44250-44279 Credentials and assignments of teachers

44395-44398 Incentives for assigning NBPTS-certified teachers to low-performing schools

44824 Assignment of teachers to weekend classes

44955 Reduction in number of employees

##### GOVERNMENT CODE

3543.2 Scope of representation

##### CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

##### UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

##### CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Assignment**

Procedures for Verifying Subject Matter Knowledge

The Superintendent or designee shall develop and employ procedures for verifying the subject matter knowledge of teachers assigned to teach in departmentalized classes outside their credential authorization pursuant to Education Code 44258.3.

Procedures to be used for this purpose shall specify: (Education Code 44258.3)

1. One or more of the following ways in which subject matter competence shall be assessed:
  - a. Observation by subject matter specialists
  - b. Oral interviews
  - c. Demonstration lessons
  - d. Presentation of curricular portfolios
  - e. Written examinations
2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the appropriate curriculum framework and the specific content of the district's course of study for the subject at the grade level to be taught.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Temporary Modified/Light-Duty Assignment**

Any employee who suffers an injury or illness shall provide the district with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee may seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

Work consistent with temporary medical restrictions will be assigned for up to 90 calendar days or until the employee is sufficiently recovered to return to their original job, whichever occurs first. At the District's discretion, the 90-day period of time may be extended. Temporary work assignments will be within the employee's department. However, the District may provide light duty outside of the employee's department.

If an employee has not fully recovered at the end of the maximum period, the employee may be placed on temporary disability, sick leave, or other available leave to the extent available until the medical restrictions are lifted. No temporary work assignment described or covered under these guidelines is intended or offered as a permanent assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

AR 4113.4 (b)

In the event of a work related injury, if an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005; August 18, 2011



**Personnel**

**Transfers**

Transfers of certificated personnel shall be made in accordance with transfer provisions of the collective bargaining agreement and shall serve the best interests of the overall educational program.

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Legal Reference:

**EDUCATION CODE**

35035 Powers and duties of superintendent

44955 Reduction in number of permanent employees

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Evaluation/Supervision**

The Board of Trustees believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law, negotiated employee contracts and Board-adopted evaluation standards.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4140/4240 - Bargaining Units)

Evaluation procedures shall include regular observation of teacher performance in the classroom.

The Superintendent or designee shall ensure procedures are uniform throughout the district.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance. The Superintendent or designee shall assist employees in improving their performance as suggested by improvement plans formulated by the evaluator. Staff members are encouraged to take initiative to request assistance as necessary to promote effective teaching.

(cf. 4131 - Staff Development)  
(cf. 4139 - Peer Assistance and Review)

#### **Evaluation Guidelines for Personnel Not Covered by an Employee Agreement**

The guidelines for evaluation of certificated personnel shall reasonably relate to:

1. The progress of students towards standard of expected achievement at each grade level in each level of study in the district.
2. The instructional techniques and strategies used by the employee.
3. The employee's adherence to curricular objectives.
4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities.

**Personnel**

**Evaluation/Supervision (continued)**

Certificated employees will be evaluated on an approved district form that will be filled with the Superintendent or designee in the personnel file of the employee.

Legal Reference:

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44500-44508 Peer assistance and review program for teachers

44660-44665 Evaluation and assessment of performance of certificated employees (the Stull Act)

GOVERNMENT CODE

3543.2 Scope of representation

UNITED STATES CODE, TITLE 20

7801 Definition of highly qualified teacher

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Evaluation/Supervision**

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4100 - Certificated Personnel)  
(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

Certificated staff shall receive information regarding the district's evaluation criteria and procedures upon employment with the district and whenever the criteria in the negotiated contract is revised.

(cf. 4141/4241 - Collective Bargaining Agreement)

Certificated employee performance shall be evaluated and assessed on a continuing basis as follows: (Education Code 44664)

1. At least twice each school year for probationary personnel.
2. At least once each school year for personnel with permanent status.

(cf. 4112.2 - Certification)  
(cf. 4116 - Probationary/Permanent Status)  
(cf. 4315.1 - Staff Evaluating Teachers)

Permanent employees who receive an unsatisfactory evaluation shall have their salary movements withheld until they receive a satisfactory evaluation. (Education Code 44664)

(cf. 4117.4 - Dismissal)

Probationary teachers shall be formally observed and given constructive feedback at least once each semester and more often when necessary, as part of the evaluation process. After each formal observation, a conference should be held between the evaluator and the probationary teacher.

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (Education Code 44662)

1. Students' progress toward district standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments

**Personnel**

**Evaluation/Supervision (continued)**

(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)

2. The instructional techniques and strategies used by the employee
3. The employee's adherence to curricular objectives

(cf. 6010 - Goals and Objectives)

4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities

Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (Education Code 44662)

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teacher standards approved by the Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

(cf. 4139 - Peer Assistance and Review)

The Superintendent or designee may require any instructional employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

(cf. 4131 - Staff Development)

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last day of the school year in which the evaluation takes place. Before the last day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

**Personnel**

**Evaluation/Supervision (continued)**

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4112.6 /4212.6/4312.6 - Personnel Files)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Probationary/Permanent Status**

#### Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. In service training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Decision Not to Rehire)

#### Legal Reference:

##### EDUCATION CODE

44466 Status of university interns

44850.1 No tenure in administrative or supervisory position

44885.5 Status of district interns

44908 Complete year for probationary employees

44911-44913 Service not computed in eligibility for permanent status

44915 Classification of probationary employees

44917-44921 Status of substitute or temporary employees

44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21 Districts of 250 ADA or more

44929.23 Districts with less than 250 ADA

44929.28 Employment by another district

44930-44988 Resignations, dismissals and leaves of absence, especially:

44948.2 Election to use provisions of Section 44948.3

44948.3 Dismissal of probationary employees

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Probationary/Permanent Status**

#### Permanent Status

A probationary teacher who has been employed by the district in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21)

#### Interns

A person who has completed an internship and at least two complete school years in a position requiring certification qualifications within the district shall be granted permanent status when he/she is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Retirement Consultancy Contracts**

The Board of Trustees recognizes that because of their experience and knowledge retired certificated employees may be uniquely suited to performing specialized work of limited duration. In order to help perform this specialized work, the Board may offer retirement consultancy contracts to certificated individuals who meet the qualifications required by law and administrative regulation.

#### Legal Reference:

##### EDUCATION CODE

- 22119.5 Creditable service
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22714.5 2+2 service and year credit option under STRS
- 22715 Additional service credit
- 22716 Unpaid services
- 24214 Reemployment of retirant
- 24216 Payments to retirants in excess of limitation
- 35046 Consultancy contracts
- 41320.1 Appointment of trustee
- 42120-42128 Budget completion
- 44929 Service credit under STRS; additional two years
- 44929.1 2+2 service and year credit option under STRS

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Resignation**

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation that indicates the date that the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's resignation shall become effective on the date set by the Superintendent or designee and may not be withdrawn by the employee. The Board authorizes the Superintendent or designee to accept this written resignation and to set its effective date.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. (Education Code 44930, 45201)

If a certificated employee leaves district service during the school year without obtaining acceptance of his/her resignation, or if he/she leaves before the effective date of the resignation, the Superintendent or designee shall report this fact, with supporting evidence, to the Commission on Teacher Credentialing.

#### Legal Reference:

##### EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

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##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personnel Reduction**

The Board of Trustees may reduce the number of certificated personnel, or their hours and wages, due to any of the following conditions: (Education Code 44955)

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost
2. Reduction or discontinuance of programs or services
3. State-mandated modification of the curriculum or
4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent (Education Code 44955.5)

The Board recognizes that its authority in the reduction of personnel is subject to legal requirements. Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service. (Education Code 44955)

To be considered competent, an employee must have academic training and one year of full-time experience in the specialized area to which the district would be able to assign him/her. The district will also consider the recency of the employee's experience.

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal)

Legal Reference:

EDUCATION CODE

44830 Employment of certificated persons

44949 Dismissal of probationary employees

44955 Reduction in number of permanent employees

44955.5 Termination of certificated employees

44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personnel Reduction**

For purposes of reduction of certificated personnel, terminations shall generally be in order of least seniority. The district may deviate from terminating or reappointing a certificated employee in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess or
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law

Before assigning or reassigning any certificated employee to teach a subject which he/she has not previously taught, and for which he/she does not have a teaching credential or which is not within the employee's major area of post-secondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44955, 44956)

(cf. 4112.2 - Certification)

Terminated certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service; their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (Education Code 44956, 44957)

### **Notice and Right to Hearing**

When the district needs to reduce the number of certificated staff, the district shall adhere to the notice, hearing and layoff procedures in Education Code 44949 and 44955.

When the Board, during the time period between five days after enactment of the Budget Act and August 15, determines that the total revenue limit per ADA has not increased by at least two percent and that the district therefore needs to reduce the number of certificated staff pursuant to Education Code 44955.5, the Board shall adopt a schedule of notice and hearings, and the district shall otherwise proceed pursuant to Education Code 44949 and 44955. (Education Code 44955.5)

**Personnel**

Personnel Reduction (continued)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees under 65 years of age shall have the right to reappointment in order of seniority for 39 months after being terminated. Probationary certificated employees under 65 years of age shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44956, 44957)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Dismissal**

#### Permanent Employees

Permanent employees shall not be dismissed from their position except when cause for dismissal can be shown. Cause and procedures for dismissal are defined by provisions of Education Code 44932 et seq.

(cf. 4116 - Probationary/Permanent Status)

#### Probationary Employees

During the school year, certificated probationary employees may be dismissed for causes specified in Education Code 44932 or for unsatisfactory performance determined pursuant to Education Code 44660-44665. Procedures and time limits for such action shall be those set forth in Education Code 44948.3.

(cf. 4115 - Evaluation/Supervision)

At the end of the school year, the Board of Trustees may decide not to rehire probationary employees without a statement of reasons, giving notice in accordance with Education Code 44929.21.

(cf. 4117.6 - Decision Not to Rehire)

During the school year, dismissal procedures shall be those set forth in Education Code 44932 et seq.

At the end of the second probationary year, dismissal procedures shall be those set forth in Education Code 44948.5. The employee shall receive written notice on or before March 15 and may request a hearing, as provided by Education Code 44948.5, to determine if there is cause for not reemploying him/her. If the Board of Trustees does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44948.5)

(cf. 4121 - Temporary/Substitute Personnel)

**Personnel**

**Dismissal (continued)**

Legal References:

EDUCATION CODE

- 44660-44665 Evaluation and assessment of performance
- 44842 Automatic declining of employment
- 44918 Substitute or temporary employee; reemployment rights
- 44929.21 Districts with 250 ADA or more; notice of reelection decision.
- 44929.23 Districts with daily attendance less than 250
- 44932-44947 Suspension and/or dismissal of permanent employees
- 44948 Dismissal or suspension of probationary employees during school year
- 44948.2 Election to use provisions of Education Code 44948.3
- 44948.3 Dismissal of probationary employees (over 250 ADA)
- 44948.5 Dismissal of probationary employees (under 250 ADA)
- 44949 Cause, notice and right to hearing for dismissal of probationary employee
- 44953 Dismissal of substitute employees
- 44955 Reduction in number of permanent employees

GOVERNMENT CODE

- 3543.2 Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Termination Agreements**

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

#### Legal Reference:

##### CIVIL CODE

47 Privileged communication

##### GOVERNMENT CODE

53260-53264 Employment contracts

##### LABOR CODE

1198.5 Inspection of personnel files by employees

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Decision not to Rehire**

The Superintendent or designee shall provide the Governing Board with his/her recommendations regarding the rehiring of probationary employees.

The Board may decide not to rehire a probationary employee for a second year and give written notice of its decision to the employee at any time during his/her first year. If the Board does not give written notice, the employee shall be rehired for the following year. (Education Code 44929.21)

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second year. If the Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44929.21)

(cf. 4117.3 - Personnel Reduction)

#### Legal Reference:

##### EDUCATION CODE

Districts with 250 ADA or more; notice of reelection decision

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44949 Cause, notice and right to hearing required for dismissal of probationary employee

44955 Reduction in number of permanent employees

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment Status Reports**

Within 30 days of any change in the employment status of a credential holder working in a position requiring a credential made as a result of an allegation of misconduct, the Superintendent shall report the change to the Commission on Teacher Credentialing. The report shall be made whenever one of the following actions is taken as a result of alleged misconduct: (Education Code 44242.5; 5 CCR 80303)

1. Dismissal

(cf. 4117.4 - Dismissal)

2. No reelection/no reemployment

(cf. 4117.6 - Decision Not to Rehire)

3. Suspension for more than 10 days

(cf. 4118 - Suspension/Disciplinary Action)

4. Placement on unpaid administrative leave for more than 10 days pursuant to a final adverse employment action

5. Resignation or other departure from employment

(cf. 4117.2 - Resignation)

The report shall contain all known information about each alleged act of misconduct by the employee. (5 CCR 80303)

The report shall be made regardless of any proposed or actual agreement, settlement or stipulation between the district and the employee not to make such a report. The report shall also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement or other failure to contest the truth of the allegations. (5 CCR 80303)

The Superintendent shall inform the employee in writing of the contents of 5 CCR 80303 upon a change in employment status as a result of alleged misconduct. (5 CCR 80303)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

## Personnel

### Employment Status Reports

#### Notice of Other Violations

The Superintendent or designee may notify the Commission on Teacher Credentialing of any of the following: (Education Code 44242.5)

1. A complaint received by the district regarding a credential holder's alleged sexual misconduct

The notice shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

(cf. 1312.1 - Complaints Concerning District Employees)

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

(cf. 5145.7 - Sexual Harassment)

2. Refusal, without good cause, to fulfill a valid employment contract, or departure from district service without the consent of the Superintendent or Board (Education Code 44420)
3. Knowing and willful use of student records in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder or in which the credential holder is an employee (Education Code 44421.1)
4. Knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44421.5)

**Personnel**

**Employment Status Reports (continued)**

Legal Reference:

**EDUCATION CODE**

44225 Powers and duties of the Commission on Teacher Credentialing

44242.5 Reports and review of alleged misconduct

44420-44440 Adverse actions by CTC against credential holder

**CODE OF REGULATIONS, TITLE 5**

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment of Retired Teachers**

Any retired teacher employed by the district shall be exempt from the limitation on earnings specified in Education Code 24214(d), (f) and (g) for members of the State Teachers Retirement System (STRS) provided that the teacher retired from service with an effective date on or before January 1, 2004 and is employed to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12.
2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System pursuant to Education Code 44279.1-44279.7

(cf. 4131 – staff development)

3. Support to individuals completing student teaching assignments
4. Support to individuals participating in a pre-internship teaching program (Education Code 44305-44308), an alternative certification program (Education Code 44380-44386), or a school paraprofessional teacher training program (Education Code 44390-44393)

(cf. 4112-21 – Interns)

(cf. 4222 – Teacher Aides/Paraprofessionals)

5. Instruction and student services provided to students enrolled in special education programs pursuant to Education Code 56000-56885
6. Instruction to students enrolled in English language learner programs pursuant to Education Code 400-410 and 430-446
7. Direct remedial instruction to students in grades 1-12 for the programs specified in Education Code 37252 and 37252.2

Any retired teacher may also be exempt from the limitation on earnings if the teacher returned to work after the date of retirement and, for a period of at least 12 months, has not performed creditable service as defined in Education Code 22119.5 as an employee or independent contractor within the California public school system. (Education Code 24214)

## **Personnel**

### **Employment of Retired Teachers (continued)**

Retired teachers who are exempt from the limitation on earnings shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of eligibility for classifications as a permanent employee of the district. The compensation shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit and shall not be less than the minimum nor exceed that paid by the district to other employees performing comparable duties. (Education Code 24214, 24216.5, 24216.6)

(cf. 4121 – Temporary Substitute Personnel)

The Superintendent or designee shall submit documentation required by STRS to substantiate the eligibility of the temporary employment of a retired teacher for the exemption from the limitation on earnings (Education Code 24216.5, 24216.5, 24216.6)

The Superintendent or designee shall maintain accurate records of the retired teacher's compensation earned and shall report that compensation monthly to STRS regardless of the method of payment or the source of funds from which the compensation is paid. (Education Code 24216.5, 24216.6)

(cf. 4117.12/4317.12 Retirement Consultancy Contracts)

#### Legal Reference:

##### EDUCATION CODE

400-410 English language acquisition program  
430-446 English learner and immigrant student federal conformity act  
22119.5 Creditable service, definition  
24214 Creditable service by retiree  
24216.5 Exemption from earnings limitation  
37252-37253.5 Supplemental instruction  
44279.1-44279.7 Beginning Teacher Support and Assessment System  
44305-44308 Pre-internship teaching program  
44380-44386 Alternative certification program  
44390-44393 School paraprofessional teacher training program  
44830 Employment of certificated employees  
44830.3 Employment of district interns  
56000-56885 Special education

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Suspension/Disciplinary Action**

The Board of Trustees desires that all employees exhibit professional and appropriate conduct and serve as positive role models at school and in the community. Unacceptable conduct shall be subject to disciplinary action in accordance with law, collective bargaining agreement, Board policy and administrative regulations.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall develop administrative regulations that identify types of misconduct and possible consequences. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave and dismissal.

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved. He/she shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Complaints Concerning Discrimination in Employment)

(cf. 4117.4 - Dismissal)

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

#### Legal Reference:

##### EDUCATION CODE

44009 Conviction of specified crimes

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44660-44665 Evaluation and assessment of performance of certificated employees

44830.1 Criminal record summary certificated employees

44932 Grounds for dismissal of permanent employee

44933 Other grounds for dismissal

44938 Unprofessional conduct or unsatisfactory performance; notice of charges

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

44942 Suspension or transfer of certificated employee on grounds of mental illness

44944 Conduct of hearing



**Personnel**

**Suspension/Disciplinary Action (continued)**

Legal Reference: (continued)

44948.3 Dismissal of employees on probation

45055 Drawing of warrants for teachers

51530 Advocacy or teaching of communism

GOVERNMENT CODE

3543.2 Scope of representation

HEALTH AND SAFETY CODE

11054 Schedule I; substances included

11055 Schedule II, substances included

11056 Schedule III, substances included

11357-11361 Marijuana

11363 Peyote

11364 Opium

11370.1 Possession of controlled substances with a firearm

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Suspension/Disciplinary Action**

#### Suspension Without Pay

A probationary certificated employee may be suspended without pay for a specified period during the school year as an alternative to dismissal following procedures designated in Education Code 44948.3.

Prior to any action on charges leading to suspension without pay on the grounds of unprofessional conduct, the Superintendent or designee shall give the employee written notice. This written notice shall: (Education Code 44938)

1. Indicate the nature of the employee's unprofessional conduct
2. Cite specific instances of unprofessional behavior
3. Give the employee a 45-day opportunity to correct the misconduct and overcome the grounds for the charge
4. Include the evaluation made pursuant to Education Code 44660-44665, if applicable.

(cf. 4115 - Evaluation/Supervision)

#### Compulsory Leave

The Superintendent or designee shall immediately place on compulsory leave of absence any certificated employee who is charged with committing: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Any offense involving the unlawful sale, use or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055 and 11056, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols

Upon receipt of notification from the Department of Justice by telephone that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, that employee shall be immediately placed on leave without pay. (Education Code 44830.1)

## **Personnel**

### **Suspension/Disciplinary Action (continued)**

(cf. 4112.5/4312.5 - Criminal Record Check)

Upon receipt of written electronic notification of the conviction from the Department of Justice the employee, as specified above, shall be terminated automatically, and without regard to any other termination procedure. (Education Code 44830.1)

The Board also may require an immediate compulsory leave of absence when a certificated employee is charged with "an optional leave of absence offense" as specified in law. (Education Code 44940)

The compulsory leave may extend for not more than 10 days after the entry of judgment in the proceedings. However, the Board may extend a certificated employee's compulsory leave by giving notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed in 30 days unless he/she demands a hearing. (Education Code (Education Code 44940, 44940.5)

(cf. 4117.4 - Dismissal)

The Board shall report to the Commission on Teacher Credentialing (formerly the Commission for Teacher Preparation and Licensing) any action it takes in connection with extending a compulsory leave beyond 10 days. (Education Code 44940.5)

Employee compensation during the period of compulsory leave shall be made in accordance with Education Code 44940.5.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Civil And Legal Rights**

The Board of Trustees recognizes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the employee's performance of his/her duties.

An employee's religious or political activities, or lack thereof, shall not be grounds for any discrimination or disciplinary action by the district, provided that these activities do not violate law, Board policy or administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)

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

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

Employees shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes and beliefs; gender, political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

#### **Whistleblower Protection**

An employee shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetence or inefficiency. (Education Code 44111, 44112)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

(cf. 4118 - Suspension/Disciplinary Action)

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

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, he/she may also file a copy of the complaint with local law enforcement in accordance with Education Code 44114.

## **Personnel**

### **Civil And Legal Rights (continued)**

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 4144/4244/4344 - Complaints)

#### Protection Against Liability

No Board Member or employee shall be liable for harm caused by his/her act or omission when acting within the scope of employment or district responsibilities. For the protection against liability to apply, the act or omission must be in conformity with federal, state and local laws and must be in furtherance of an effort to control, discipline, expel or suspend a student, or to maintain order or control in the classroom or school. (20 USC 6736)

(cf. 3320 - Claims and Actions Against the District)  
(cf. 9260 - Legal Protection)

The protection against liability shall not apply when: (20 USC 6736)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety
2. The employee caused harm by operating a motor vehicle
3. The employee was not properly licensed, if required, by state law for such activities
4. The employee was found by a court to have violated a federal or state civil rights law
5. The employee was under the influence of alcohol or any drug at the time of the misconduct
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court
7. The misconduct involved a sexual offense for which the employee has been convicted in a court

**Personnel**

**Civil And Legal Rights (continued)**

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
7050-7058 Political activities of school officers and employees  
44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees  
44110-44114 Reporting by school employees of improper governmental activity  
49091.24 Teacher rights to refuse evaluation/survey of personal life

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3 Intentional torts  
820-823 Tort Claims Act  
825.6 Indemnification of public entity  
3540.1 Public employment definitions  
3543.5 Interference with employee's rights prohibited  
12940-12951 Discrimination prohibited; unlawful practices  
UNITED STATES CODE, TITLE 20  
6731-6738 Teacher liability protection  
UNITED STATES CODE, TITLE 42  
2000d-2000d-7 Title VI, Civil Rights Act  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2000h-6 Title IX, 1972 Education Act Amendments  
12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Sexual Harassment**

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Informing staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures in order to avoid harm.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, district administrator or Superintendent to obtain procedures for filing a complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

## **Personnel**

### **Sexual Harassment (continued)**

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

##### CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Sexual Harassment**

Prohibited 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 gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body
7. Touching an individual's body or clothes in a sexual way

## **Personnel**

### **Sexual Harassment (continued)**

8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

### **Training**

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation. (Government Code 12950.1)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

### **Notifications**

A copy of the Board of Trustees' policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

**Personnel**

**Sexual Harassment (continued)**

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact the DFEH and EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and EEOC

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Professional Standards**

The Board of Trustees expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the district and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0000 – Philosophy)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**PROFESSIONAL STANDARDS - CODE OF ETHICS OF THE EDUCATION PROFESSION****A STATEMENT OF PRINCIPLES AMPLIFYING THE CODE OF ETHICS OF THE EDUCATION PROFESSION**Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession and the California Standards for the Teaching Profession indicates the aspiration of all educators and provides standards by which to judge conduct. Each employee is expected to abide by the Board adopted Guiding Goals and Core Values:

## Guiding Goals:

Academic Excellence – Learning for All Students  
 Safe, Orderly, Positive, Respectful Learning Environment  
 Highly Qualified Staff Providing High Quality Service  
 School/Family/Community Partnerships and Communication  
 Acquisition and Allocation of Resources to Support Fiscal Excellence

## Core Values:

Excellence  
 Personal Integrity  
 Social Responsibility and Respect  
 Respect for National Heritage  
 Traditional Values

Principle I(a). Commitment and Conduct to the Student

The educator strives to help each student realize his/her potential as a worthy, effective, and responsible member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. Parents are affirmed as the primary moral educators of their children. Nevertheless, all educators are obligated to help foster civic virtues such as integrity, diligence, responsibility, cooperation, loyalty, fidelity, and respect-for the law, for human life, for others, and for self.

In fulfillment of the obligation to the student, the educator:

1. The professional educator deals considerately and justly with each student, and seeks to resolve problems, including discipline, according to law and school policy.
2. Shall not unreasonably restrain the student from independent action in the pursuit of learning
3. Shall not unreasonably deny the student access to varying points of view
4. Shall not deliberately suppress or distort subject matter relevant to the student's progress
5. Shall make reasonable effort to protect the student from conditions harmful to learning or to

health and safety

6. Shall not intentionally expose the student to embarrassment or disparagement
7. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
8. Shall not use professional relationships with students for private advantage
9. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
10. The professional educator makes a constructive effort to protect the student from conditions detrimental to learning, health, or safety.
11. The professional educator endeavors to present facts without distortion, bias, or personal prejudice.

Principle I(b). Commitment Maintain Professional Staff/Student Boundaries

The purpose of this policy is to provide all staff, students, volunteers, contractors, and community members with information to increase their awareness of their role in protecting minors and adult-age students from inappropriate conduct by adults.

In a professional staff/student relationship, District employees shall maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students. A boundary invasion is an act, omission, or pattern of behavior by a District employee that violates professional staff/student boundaries, does not have an educational purpose, and has the potential to abuse the staff/student relationship.

This policy addresses the relationship between students and District staff. The Board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members should use appropriate professional judgment when they stand in a dual relationship to students so as to avoid violations of District policy, the appearance of impropriety, or the appearance of favoritism.

**CODE OF ETHICS OF THE EDUCATION PROFESSION (CONTINUED)**

Unacceptable Conduct: Examples of inappropriate boundary invasions by staff members include, but are not limited to, the following:

1. Any type of inappropriate physical contact or communication with a student or any other conduct that violates the Board's policies on Employee Conduct, Harassment, Intimidation and Bullying, Non-Discrimination, Sexual Harassment, or Title IX of the Education Amendments of 1972 (Title IX), constitutes misconduct or any conduct between staff and students that would constitute a violation of law;
2. Showing pornography to a student;
3. Singling out a particular student or students for personal attention beyond the professional staff/student relationship;
4. Socializing in gatherings or individually with students or groups of students who are consuming alcohol, drugs or tobacco;
5. Providing alcohol, drugs, or tobacco to students;
6. Non-guidance/counseling staff members who encourage students to confide their personal or family problems and/or relationships to the staff member. If a student initiates such discussions, staff members are expected to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
7. Sending or taking students on personal errands unrelated to any educational purpose;
8. Allowing students to use the staff member's personal vehicle for any purpose;
9. Banter, provocative teasing, jokes or innuendos of a sexual nature, demeaning and degrading comments directed to or about other students, staff or community members;
10. Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
11. Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
12. Maintaining personal contact with a student outside of school by written or electronic means such as: Instant Messenger application, Internet chat rooms or other social networking Websites;
13. Sending phone, email, text messages, or other forms of written or electronic communication to students when the communication is unrelated to school work or other legitimate school business;
14. Exchanging personal gifts, cards or letters with an individual student which are unrelated to school activities;
15. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling, personal counseling sessions, recreational activities, parties, outside of school-sponsored events, except as participants in organized community activities);
16. Giving a student a ride alone, or with a small group of students in a personal staff vehicle in a non-emergency situation;
17. Unnecessarily invading a student's privacy, (e.g. intentionally walking in on the student in the

bathroom).

**Appearances of Impropriety:** The following activities can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the staff person must report the occurrence, to the appropriate administrator, as soon as possible:

1. Being alone with an individual student out of the view of others and engaging in intimate discussions or in close physical proximity without a legitimate educational purpose;
2. Inviting or allowing individual students to visit the staff member's home unless other adults are present, the student(s) are invited for an activity related to school, and the student's parent or guardian is informed and has consented;
3. Visiting a student, in his/her home, unless invited by the student's parent or guardian as part of a school activity;
4. Sending e-mails, text messages, or other electronic communications to the student, even when the communication relates to school business, except where the parent or guardian has consented to such communications and receives a copy of the communication;
5. Staff should use school e-mail address and phone numbers and the parents' phone numbers for communications with students, except in an emergency situation.

**Reporting Violations: Child Abuse and Neglect:** Students and their parents/guardians who believe a staff member, contractor, or volunteer may be engaging in conduct that constitutes boundary invasion are strongly encouraged to notify the building principal or the supervisor of the person suspected of engaging in inappropriate conduct.

Any staff member who becomes aware of conduct by another staff member, contractor, or volunteer that may constitute a boundary invasion are required to promptly notify the site principal or the supervisor of the staff member or volunteer suspected of engaging in inappropriate conduct.

All staff members who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, contractor, or volunteer working in the school are required to make a report to Child Protective Services or law enforcement as required by District policy and State law.

Reporting suspected abuse to the building principal or supervisor does not relieve school personnel from their reporting responsibilities and timelines.



Principle II. Commitment to the Profession and Ethical Practices/Performance

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the staff member:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
6. Shall not knowingly make false or malicious statements about a colleague.
7. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.
8. The staff member applies for, accepts, or assigns a position or a responsibility on the basis of professional qualifications, and adheres to the terms of a contract or appointment.
9. The staff member maintains sound mental health, physical stamina, and social prudence necessary to perform the duties of any professional assignment.
10. The staff member continues professional growth.
11. The staff member complies with written local school policies and applicable laws and regulations that are not in conflict with this code of ethics.
12. The staff member does not intentionally misrepresent official policies of the school or educational organizations, and clearly distinguishes those views from his or her own personal opinions.
13. The staff member honestly accounts for all funds committed to his or her charge.
14. The staff member does not use institutional or professional privileges for personal or partisan advantage.

Principle III. Commitment to Ethical Conduct Toward Professional Colleagues

The professional staff, in exemplifying ethical relations with colleagues, accords just and equitable treatment to all members of the profession.

1. The staff member does not reveal confidential information concerning colleagues unless required by law.
2. The staff member does not willfully make false statements about a colleague or the school system.
3. The staff member does not interfere with a colleague's freedom of choice, and works to eliminate coercion that forces educators to support actions and ideologies that violate individual professional integrity.

Principle IV. Commitment to Ethical Conduct Toward Parents and Community

The professional staff pledges to protect public sovereignty over public education and private control of private education. The professional staff recognizes that quality education is the common goal of the public, boards of education, and educators, and that a cooperative effort is essential among these groups to attain that goal.

1. The professional educator makes concerted efforts to communicate to parents all information that should be revealed in the interest of the student.
2. The professional educator endeavors to understand and respect the values and traditions of the diverse cultures represented in the community and in his or her classroom.
3. The professional educator manifests a positive and active role in school/community relations.

**Disciplinary Action**

Staff violations of this regulation may result in disciplinary action, up to and including termination. Violations involving sexual or other abuse will also result in referral to Child Protective Services and/or law enforcement.

Source: National Education Association, 1975  
Association of American Educators

Regulation Approved: August 12, 2019

## **Personnel**

### **Professional Standards**

#### CODE OF ETHICS OF THE EDUCATION PROFESSION

##### Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

##### Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement

**Personnel**

**Professional Standards (continued)**

6. Shall not on the basis of race, color, creed, sex, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background unfairly:
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

**Principle II. Commitment to the Profession**

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position

**Personnel**

**Professional Standards (continued)**

5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

## **Personnel**

### **Dress and Grooming**

The Board of Trustees believes that since teachers serve as role models, they should maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

The Board encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities. The Superintendent or designee shall be responsible for evaluating and supervising the appropriateness of employee dress in accordance with the agreement with the Lowell Joint Education Association and the California School Employees Association #294 as depicted in AR 4119.22 (a) and (b)

#### **Legal Reference:**

##### **EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel – Dress and Grooming**  
LOWELL JOINT SCHOOL DISTRICT  
**SUPERINTENDENT'S OFFICE**

AR 4119.22 (a)

**Memorandum**

October 10, 2000

TO: All Certified & Classified Staff, Noon Duty Aides

FROM: Ron Randolph, Superintendent  
Cyndie Dember, President LJE  
Ronnie Mayer, President CSA

RE: Standards of Dress for Employees

Our Board of Trustees has requested that professional standards of dress consistently be observed by all employees who deal directly with students and the public, including parents. They, as we, are convinced that the manner in which we as professional staffs dress imparts a message regarding the importance of the work we do with students. Professional standards to us means that our daily attire reflects an image of businesslike, casual yet functional apparel that is dignified and appropriate for the type of service we perform.

In general, we are pleased and proud of the appropriateness of dress displayed by our employees. It needs to be consistent throughout the district.

Obviously, there will be different attire necessary for certain employees, such as maintenance and cafeteria workers and those employees whose unique assignments require more specialized dress. However, for the majority of us whose appearance directly affects our students and the public, professional dress should reflect workplace flexibility with decorum. Special dress for special events (field trips, dress-up days, etc.) are exempted from these standards as determined by the principal or supervisor.

The Board of Trustees and we trust that you will make every effort to respect and implement professional standards. For a more detailed definition of professional standards, please contact your principal and/or supervisor whose responsibility it is to evaluate the appropriateness of employee dress. If there are any questions regarding the acceptability of any particular style of dress, please contact your principal or supervisor.

We are firmly convinced that wearing professional attire will assist in improving the achievement, conduct and dress of our students.

Thank you for your cooperation.

RTR:cs

Cc: Board of Trustees  
Principal

**GUIDELINES FOR BUSINESS CASUAL ATTIRE**  
**Effective September 25, 2000**

MEN	WOMEN
<p><b>ACCEPTABLE SHIRTS/TOPS</b></p> <p>Short sleeves/Long sleeves            Shirts with Collars            Polo-style Shirts            Banded Collars            Jackets/Blazers            Crew-neck Sweaters            Cardigan Sweaters            Vests (with shirts under)            Ties            T-shirts/Sweatshirts/Shirts with School Name Only</p> <p><b>NOT ACCEPTABLE SHIRTS/TOPS</b></p> <p>Tank-Tops            T-shirts (with Imprints)            Sleeveless Shirts/Tops            Crop Tops/Shirts            Un-tucked Shirts with Tails/Oversized Shirts</p>	<p><b>ACCEPTABLE SHIRTS/TOPS</b></p> <p>Short Sleeves (Not T-shirts)            Blouses            Polo-style Shirts            Dress T-shirts            Jackets/Blazers            Crew-neck Sweaters            Cardigan Sweaters/Sweater Sets            Vests (with shirts under)            Modest Necklines            T-shirts/Sweatshirts/Shirts with School Name Only</p> <p><b>NOT ACCEPTABLE SHIRTS/TOPS</b></p> <p>T-shirts (with imprints)            Spaghetti Straps            Crop Tops/Shirts            Low-cut or Tight Tops/Shirts            Midriff            Strapless</p>
	<p><b>ACCEPTABLE DRESSES/SKIRTS</b></p> <p>Dresses/Skirts (Appropriate Length)</p> <p><b>NOT ACCEPTABLE DRESSES/SKIRTS</b></p> <p>Sun Dresses/Spaghetti Straps            Too Tight/Too Short/Too Revealing            See-through Materials            Spaghetti Straps            Skorts/Culottes</p>
<p><b>ACCEPTABLE PANTS</b></p> <p>Dress/Casual Slacks            Khaki-style Pants (any color)            Dress/Colored Denim</p> <p><b>NOT ACCEPTABLE PANTS</b></p> <p>Blue Jeans            Leather/Vinyl            Sweat Pants            Shorts            Carpenter Jeans/Overalls            Cut-off Jeans</p>	<p><b>ACCEPTABLE PANTS</b></p> <p>Dress/Casual Slacks            Khaki-style Pants (any color)            Dress/Colored Denim</p> <p><b>NOT ACCEPTABLE PANTS</b></p> <p>Blue Jeans            Leather/Vinyl            Sweat Pants            Stretch Pants/Leggings            Stirrup Pants            Shorts            Tight Pants            Overalls            Cut-off Jeans</p>
<p><b>ACCEPTABLE FOOTWEAR</b></p> <p>Dress Shoes            Loafers            Socks            Tennis Shoes            Boat Shoes/Topsiders</p> <p><b>NOT ACCEPTABLE FOOTWEAR</b></p> <p>Beach Sandals or Thongs            Motorcycle-type Boots            Shoes without Socks</p>	<p><b>ACCEPTABLE FOOTWEAR</b></p> <p>Dress Shoes/Pumps            Sling-back Shoes            Flats/Casual Shoes            Loafers            Open-back Dress Shoes/Mules            Tennis Shoes            Boat Shoes/Topsiders</p> <p><b>NOT ACCEPTABLE FOOTWEAR</b></p> <p>Beach Sandals/or Thongs            Motorcycle-type Boots</p>

Headwear – Outdoors Only

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Unauthorized Release Of Confidential/Privileged Information**

The Board of Trustees recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

#### Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

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

The Superintendent or designee shall inform all employees who attend closed sessions of this policy. New employees who may attend closed sessions shall also be informed of this policy.

#### Other Disclosures

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

**Personnel**

**Unauthorized Release Of Confidential/Privileged Information (continued)**

- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 5141.4 - Child Abuse Reporting Procedures)
- (cf. 6164.2 - Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal Reference:

EDUCATION CODE

- 35010 Control of district; prescription and enforcement of rules
- 35146 Closed sessions
- 35160 Authority of governing boards
- 44031 Personnel file contents and inspection
- 44932 Grounds for dismissal of permanent employees
- 44933 Other grounds for dismissal
- 45113 Rules and regulations for classified service
- 49060-49079 Pupil records

GOVERNMENT CODE

- 1098 Public officials and employees: confidential information
- 6250-6270 Inspection of public records
- 54950-54963 Brown Act

UNITED STATES CODE, TITLE 20

- 1232g Family Education Rights and Privacy Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Political Activities Of Employees**

The Board of Trustees respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

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

#### Legal Reference:

##### EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

##### GOVERNMENT CODE

3543.1 Rights of employee organizations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Political Activities Of Employees**

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
4. Use district time to urge the passage or defeat of any ballot measure or candidate
5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials on district property
7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

(cf. 6144 - Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time

**Personnel**

**Political Activities Of Employees (continued)**

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time.

**Employee Organizations**

Employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054)

(cf. 4140/4240 - Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Duties of Personnel**

The Board of Trustees recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118/4318 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

#### Legal Reference:

##### EDUCATION CODE

- 233.5 Duty concerning instruction in morals, manners, citizenship
- 35020 Duties of employees fixed by governing board
- 35035 Further powers and duties of superintendent
- 44014 Report of assault
- 44662 Job responsibilities for certificated nonmanagement personnel
- 44805 Enforcement of course of studies, use of textbooks, rules and regulations
- 44807 Duty concerning conduct of pupils
- 44809 School register
- 44816 Annual report of elementary teacher
- 45100.5-45108.7 Senior management of the classified service
- 45109 Fixing of duties
- 45110 Inconsistent duties, compensation
- 45256.5 Senior management of classified service

**Personnel**

**Duties of Personnel (continued)**

GOVERNMENT CODE

7293 Local public agencies; bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of library personnel

UNITED STATES CODE, TITLE 42

12101 - 12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employees With Infectious Disease**

The Board of Trustees encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

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

(cf. 4030 - Nondiscrimination in Employment)

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

#### Legal Reference:

##### CIVIL CODE

56-56.37 Confidentiality of medical information

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

##### CODE OF REGULATIONS, TITLE 2,

7293.5 et seq.

##### UNITED STATES CODE, TITLE 29

701-797a Rehabilitation Act of 1993

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Exposure Control Plan for Bloodborne Pathogens**

As part of its commitment to provide a safe and healthful work environment, the Board of Trustees recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials.

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

#### Legal Reference:

##### LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Universal Precautions**

In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Trustees requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.1 - Accidents)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6145.2 - Athletic Competition)

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan or other safety procedures.

#### Legal Reference:

##### HEALTH AND SAFETY CODE

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

##### CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Temporary/Substitute Personnel**

#### Hiring

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Governing Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. (Education Code 44917)

(cf. 4117.14 - Employment of Retired Teachers)

#### Classification

The Board may classify as substitute certificated personnel a teacher hired to fill a position of regularly employed person absent from service. (Education Code 44917)

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day-to-day during the first three months of any term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any term (Education Code 44919)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

2. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year confirming his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

## **Personnel**

### **Temporary/Substitute Personnel (continued)**

Time of initial employment means before the employee starts work.

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

#### Qualifications

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

(cf. 4112.2 - Certification)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

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

(cf. 4112.5/4312.5 - Criminal Record Check)

Any person employed on a substitute or temporary basis in a capacity designated in his/her credential shall also be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

#### Qualifications for Special Education

A noncredentialed person shall not substitute for any special education certificated position. (Education Code 56060)

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 cumulative school days for each special education teacher absent during each school year. Upon application by the district, the Superintendent of Public Instruction may approve an extension of 20 school days. In extraordinary circumstances the district may seek an extension beyond the initial 20 school days. (Education Code 56061)

## **Personnel**

### **Temporary/Substitute Personnel (continued)**

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. (Education Code 56062)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56063)

### **Salary/Benefits**

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

### **Granting Probationary Status**

Unless released from employment pursuant to Education Code 44954, and with the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year. (Education Code 44918)

(cf. 4116 - Probationary/Permanent Status)

### **Release from Employment/Dismissal**

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained.

## **Personnel**

### **Temporary/Substitute Personnel (continued)**

After serving during one school year 75 percent of the number of days the regular schools of the district are maintained, a temporary employee may be released as long as the employee is notified before the end of the school year of the district's decision not to reelect him/her for the following school year. (Education Code 44954)

#### **Reemployment Rights**

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served during one school year at least 75 percent of the number of days the regular schools of the district were maintained and who was not released pursuant to Education Code 44954 prior to the end of the school year shall be reemployed for the following school year to fill any vacant positions in the district. (Education Code 44918)

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

#### **Substitute Teachers**

- A. The Personnel Office shall maintain an active list of persons fully qualified to act as substitute teachers. It shall be the duty of the Personnel Office to assign and release substitutes on a day-to-day basis.
- B. It shall be the responsibility of all certificated personnel who are ill to notify the Personnel Office as soon as possible. Specific procedures for this purpose are available at the school office.
- C. Substitute teachers employed in one assignment for a period longer than ten (10) consecutive days shall be considered as long-term substitutes. On the eleventh day and thereafter for the duration of the assignment, long-term substitutes shall be paid according to the adopted salary schedule.
- D. Building principals shall be responsible for the evaluation of substitute teachers in accordance with the procedure established by the Personnel Office.

**Personnel**

**Temporary/Substitute Personnel (continued)**

- E. Substitute teachers shall have the same responsibility and authority of the regular, except as otherwise directed by the building principal. Each substitute shall be provided with copies of all appropriate materials relating to his or her temporary assignment.
- F. The Personnel Office shall be responsible for the interviewing and processing and the maintenance of a list of all qualified substitute personnel.
- G. Pay of substitute teachers will be based on the following schedule:
  - 1. Actual time on the job being until the mid-point of the lunch hour or less, the substitute would receive one-half (1/2) of a day's pay. If after the mid-point but for the rest of the afternoon, the substitute would receive one-half (1/2) of a day's pay.
  - 2. If the substitute serves in the morning and after the mid-point or serves prior to the mid-point and the rest of the day, the substitute will receive a full day's pay.
  - 3. Substitute teachers are expected to be on the job one-half (1/2) hour before the job starts and one-half (1/2) hour after school closes.
  - 4. A substitute teacher cannot be allotted more time than the regular teacher's portion of the day.

**Personnel**

**Temporary/Substitute Personnel (continued)**

Legal Reference: EDUCATION CODE

- 44252.5 State basic skills assessment required for certificated personnel
  - 44300 Emergency teaching or specialist permits
  - 44830 Employment of certificated persons; requirements of proficiency in basic skills
  - 44839.5 Employment of retirant
  - 44846 Criteria for reemployment preferences
  - 44914 Substitute and probationary employment computation for classification as permanent employee
  - 44915 Classification of probationary employees
  - 44916 Time of classification; statement of employment status
  - 44917 Classification of substitute employees
  - 44918 Substitute or temporary employee deemed probationary employee; reemployment rights
  - 44919 Classification of temporary employees
  - 44920 Employment of certain temporary employees; classifications
  - 44953 Dismissal of substitute employees
  - 44954 Release of temporary employees
  - 44956 Rights of laid-off permanent employees to substitute positions
  - 44957 Rights of laid-off probationary employees to substitute positions
  - 44977 Salary schedule for substitute employees
  - 45030 Substitutes
  - 45041 Computation of salary
  - 45042 Alternative method of computation for less than one school year
  - 45043 Compensation for employment beginning in the second semester
  - 56060-56063 Substitute teachers in special education
- CODE OF REGULATIONS, TITLE 5
- 5502 Filing of notice of physical examination for employment of retired person
  - 5503 Physical examination for employment of retired persons

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Shared Teaching Assignments**

The Board of Trustees realizes that for personal reasons, a certificated teacher sometimes may prefer to share the responsibility, salary and benefits of a full-time teaching position with one of his/her fellow teachers. When those sharing a position have compatible work patterns and similar goals, this situation can benefit teachers and students alike.

The Superintendent or designee may authorize two teachers to share one full teaching assignment under terms and conditions specified in the certificated negotiated collective bargaining agreement.

Legal Reference:  
GOVERNMENT CODE  
3543.2 Scope of representation

Policy Adopted: March 23, 1987  
Policy Revised: September 26, 2005; December 5, 2005

## Personnel

### Staff Development

The Board of Trustees believes that in order to maximize student learning certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and increase their knowledge of academic content in the core curriculum. The program may include but is not limited to:

1. Mastery of discipline-based knowledge, including the state-adopted standards, and effective subject-specific pedagogical skills

(cf. 6011 - Academic Standards)  
 (cf. 6142.7 - Physical Education)  
 (cf. 6142.8 - Comprehensive Health Education)  
 (cf. 6142.91 - Reading/Language Arts Instruction)  
 (cf. 6142.92 - Mathematics Instruction)  
 (cf. 6142.93 - Science Instruction)

2. Teaching methods and strategies, including the use of technologies to enhance instruction

(cf. 0440 - District Technology Plan)  
 (cf. 6162.7 - Use of Technology in Instruction)

3. Sensitivity to the needs of diverse student populations, including minorities, students with disabilities, English language learners and economically disadvantaged students, and ability to meet those needs

(cf. 4112.22/4212.22 - Staff Teaching Students of Limited English Proficiency)  
 (cf. 4112.23 - Special Education Staff)

4. Understanding of how academic instruction can be integrated and implemented to increase student learning; skill in evaluating and combining available instructional resources; opportunities to collaborate with other staff members in the alignment of academic and vocational curricula

(cf. 6030 - Integrated Academic Instruction)

5. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education

**Personnel**

**Staff Development (continued)**

(cf. 6020 - Parent Involvement)

6. Effective classroom management skills, ability to relate to students, understand their various stages of growth and development, and motivate them to learn
7. Training related to student health, safety and welfare

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5149 - At-Risk Students)

The district's staff development program shall provide maximum opportunities for staff participation without impacting the number of instructional days offered to students as required by law.

(cf. 6111 - School Calendar)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 4131.6 - Professional Development Program)

The Superintendent or designee shall assist in meeting the obligations related to the professional growth of individual probationary and permanent teachers.

(cf. 4112.21 - District Interns)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4131.5 - Professional Growth)

(cf. 4138 - Mentor Teachers)

(cf. 0500 - Accountability)

**Personnel**

**Staff Development (continued)**

Legal Reference:

EDUCATION CODE

44032 Travel expense payment  
44259.5 Standards for preparation of all students  
44277-44279 Professional growth requirements for maintaining valid credentials  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44560 Inservice preparation in ethnic backgrounds  
44570-44578 Inservice training - personnel, secondary education  
44579.5 Instructional Time and Staff Development Reform Program  
44580-44591 Inservice training - personnel, elementary teachers  
44630-44643 Professional Development and Program Improvement Act of 1968  
44681-44689 Administrator training and evaluation  
44700-44705 Classroom teacher instructional improvement program  
44755-44759.7 Inservice training in reading instruction, grades K-3 and 4-8  
48980 Notification of parents/guardians: schedule of minimum days  
51210 Courses of study for grades 1-6  
51220 Courses of study for grades 7-12  
51226.3 Legislative intent for staff development on the Great Irish Famine  
52800-52870 School-Based Program Coordination Act  
54720-54734 School-Based Pupil Motivation and Maintenance Program  
56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional time and staff development reform program  
13025-13044 Professional development and program improvement programs

UNITED STATES CODE, TITLE 20

6101 - 6251 School-to-Work Opportunities Act of 1994  
6601 - 6702 Dwight D. Eisenhower Professional Development Program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Staff Development**

The Superintendent or designee may provide certificated staff members' opportunities to learn both from outside sources and from each other. These opportunities may include release time, leaves of absence or use of non-instructional time for:

1. Visits to other classrooms and other schools
2. Attendance at professional education conferences or committee meetings
3. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
4. Peer conferences and/or joint staff preparation time
5. Training classes and workshops offered by the district, county office of education or state projects
6. Training in institutions of higher education, including credit courses conducted in or near the district whenever possible
7. Follow-up activities that help staff to implement newly acquired skills

### **Instructional Time and Staff Development Reform Program**

The Superintendent or designee may provide staff development opportunities for certificated classroom teachers and certificated teaching assistants on days that are not counted as instructional time. This staff development program may meet any of the following conditions:

1. The program shall meet the district's educational priorities as defined by the Board of Trustees and be consistent with regulations adopted by the State Board of Education. (Education Code 44579.1)

(cf. 0000 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

2. The program shall provide staff development in the academic content of the core curriculum; in instructional methods, including teaching strategies and classroom management; and in any other training designed to improve student performance. (Education Code 44579.1)

**Personnel**

**Staff Development (continued)**

"Core curriculum areas" means those areas of study specified in Education Code 51210(a)-(g) and 51220(a)-(j). (5 CCR 6000)

3. For each staff development day provided under this program, records of attendance shall be maintained and participants shall be present for the full day. (Education Code 44579.1)

The district shall maintain a certification of the contemporaneous record of attendance of the eligible participants who attended each full staff development day for which the district requests funding. If a single staff development day is conducted over several calendar days, the contemporaneous records must evidence that each employee who participated in the staff development day was present for the equivalent of a full-time instructional work day. (5 CCR 6001)

4. Each staff development day shall be at least as long as the full-time instructional day for certificated employees of the district. However, a single staff development day may be conducted over several calendar days. (Education Code 44579.1)

(cf. 6111 - School Calendar)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Beginning Teacher Support/Induction Assessment (BTSA)**

The Governing Board recognizes that intensive professional development and support will help beginning teachers apply their academic preparation more effectively in the classroom and result in greater District retention of capable beginning teachers. The Superintendent or designee shall ensure that first- and second-year teachers receive guidance to help them make an effective transition into the teaching profession.

(cf. 4131 - Staff Development)

Education Code 44259 states that a qualifying induction program may include (1) a Beginning Teacher Support and Assessment (BTSA) induction program offered pursuant to Education Code 44279.1 – 44279.7, (2) an approved alternative program provided by one or more local educational agencies, or (3) an alternative program provided by a regionally accredited college or university in cooperation with one or more school districts. All such programs must be approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction (SPI). Currently, the large majority of approved induction programs are BTSA programs.

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the clear multiple- or single-subject teaching credential pursuant to Education Code 44259.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

Beginning teachers participating in the District's induction program must be paired with a support provider who is an experienced teacher. The Superintendent or designee, with input from the participating teacher, shall pair each participating teacher with a support provider who is an experienced teacher, knowledgeable about beginning teacher development and needed competencies, and effective in interpersonal and communication skills. The roles and responsibilities of support providers shall be clearly defined in writing and communicated to all program participants. The Superintendent or designee shall provide initial preparation and additional professional development for support providers to enable them to acquire and enhance their knowledge and skills needed to work with beginning teachers.

Professional development provided to a beginning teacher shall be based on an individual induction plan which takes into consideration the teacher's prior preparation and experience. Subject to verification and approval of the Superintendent or designee, a beginning teacher shall not be required to demonstrate that a competency has been met, nor complete a program element

## **Personnel**

### **Beginning Teacher Support/Induction Assessment (BTSA) (continued)**

designed to assist beginning teachers in meeting that competency, if he/she previously met the competency while participating in a CTC-approved teacher preparation program. (Education Code 44279.1)

The beginning teacher's knowledge and classroom practice shall be regularly assessed using multiple measures and the results shall be used to monitor and revise subsequent individual induction plans. The Superintendent or designee, working with the BTSA Collaborative, shall maintain a record of each participating teacher's participation and progress toward completion of professional credential requirements.

Performance assessments conducted as part of the induction program shall not be used for employment-related evaluations as a condition of employment, or as a basis of terminating employment. (Education Code 44279.1)

Legal Reference:

#### **EDUCATION CODE**

41520-41522 Teacher Credentialing Block Grant  
41530-41532 Professional Development Block Grant  
44259 Credential requirements  
44259.5 Standards for professional preparation programs  
44275.4 Credential requirements, induction, out-of-state teachers  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44325-44329 District interns  
44380-44386 Alternative Certification  
44450-44468 University interns  
44560-44562 Certificated Staff Mentoring Program

#### **CODE OF REGULATIONS, TITLE 5**

6100-6126 Teacher qualifications, No Child Left Behind Act  
80055 Internship credential  
80413 Credential requirements  
80413.3 Credential requirements; teachers with out-of-state credentials

#### **UNITED STATES CODE, TITLE 20**

6319 Highly qualified teachers  
6601-6702 Preparing, training and recruiting high quality teachers and principals  
7801 Definitions, highly qualified teacher

Management Resources:

COMMISSION ON TEACHER CREDENTIALING/CALIFORNIA DEPARTMENT  
OF EDUCATION POLICY

Funding Policy for Teacher Development Programs, December 2006



**Personnel**

**Beginning Teacher Support/Induction Assessment (BTSA) (continued)**

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Induction Manual: A Credential Application Processing Guidebook for Commission-Approved Induction Programs, June 2004

Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program, April 2002

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

California Standards for the Teaching Profession, 1997

Policy Adopted: June 2, 2008

Policy Revised:

## **Personnel**

### **Professional Growth**

The Board of Trustees may assist teachers meet their responsibility for fulfilling the professional growth requirements of their credentials.

The Superintendent or designee shall maintain procedures for the selection of professional growth advisors. These procedures shall be designed to provide for the best possible match between teachers and advisors.

Professional growth activities shall remain in accordance with provisions of negotiated employee contracts.

Legal Reference:

EDUCATION CODE

44277-44279 Requirements for professional growth

CODE OF REGULATIONS, TITLE 5

80550-80565 Generally, especially

80550 Professional growth requirements definitions

80552-80553 Specific renewal requirements

80554-80555 Elements of professional growth plan and professional growth record

80556 Professional growth advisors, and employing agencies; roles and responsibilities

80558 Definition of professional growth activities

80565 Professional service requirements

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Professional Growth**

When selecting professional growth advisors, the Superintendent or designee shall consider: (5 CCR 80556)

1. Subject matter compatibility, interest in special topics, and interactive skills
2. Proximity to the work location of the teacher and reasonable workload for the advisor

The professional growth advisor shall:

1. Advise teachers of school district and state professional growth requirements
2. Identify growth needs of the district
3. Assist in defining the teacher's goals and objectives for professional growth
4. Approve all plans for implementation and completion

The Superintendent or designee shall provide all teachers with the names and work locations of the district's designated professional growth advisors. (5 CCR 80556)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Publication or Creation of Materials**

The Board of Trustees recognizes that district employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (Education Code 60076, 17 USC 201)

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

#### Legal Reference:

##### EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee worktime

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

##### LABOR CODE

2870-2872 Inventions made by an employee

##### UNITED STATES CODE, TITLE 17

201 Federal copyright law

201a Federal copyright law

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Travel and Reimbursement**

The Board of Trustees shall pay all actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district. Funds expended shall not exceed those budgeted by the Board of Trustees for these purposes. The Board may authorize an advance of funds to cover necessary expenses.

The Board of Trustees shall approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget.

The Board of Trustees may reimburse employees for the use of their own vehicles in the performance of regularly assigned duties. The Board may establish an allowance for such use on either a mileage or monthly basis.

The Board of Trustees, under the provisions of Education Code 44032, delegates authorization to the Superintendent to approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget. Meetings not previously budgeted for shall be approved on an individual basis by the Board of Trustees. All conference attendance of staff must be recommended by the immediate supervisor and approved by the Superintendent.

The Superintendent is authorized to approve the reimbursement of actual and necessary expenses for attendance at meetings and conferences by employees of the Lowell Joint School District, provided that:

1. Such meeting or conference shall relate directly to the duties of the employee.
2. Attendance is recommended by the employee's immediate supervisor.
3. Funds have been budgeted for conference expenses.
4. Funds expended shall not exceed the amount budgeted by the Board of Trustees.

A semiannual report of conference attendance and expenses may be presented to the Board of Trustees at the second regular meeting in January and July.

The Superintendent will submit the following certification to the County with each warrant issued for the above purposes:

**Personnel**

**Travel and Reimbursement (continued)**

“I hereby certify that this claim meets the provisions of Education Code Section 44032 and is for actual and necessary expenses in accordance with adopted resolution or policies of the Board of Trustees of the Lowell Joint School District. The supporting receipts and documents are on file in the District and available for review. Funds expended do not exceed the amount previously budgeted for such purposes by the Board of Trustees.”

(cf.. 3350 – Business)

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44033 Automobile allowance

44576 Remuneration of trainees (employees in staff development projects)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Soliciting And Selling**

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

(cf. 1325 - Advertising and Promotion)  
(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 4137 - Tutoring)  
(cf. 5022 - Student and Family Privacy Rights)

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

(cf. 5125.1 - Release of Directory Information)

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

(cf. 3312.2 - Educational Travel Program Contracts)

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Legal Reference:  
EDUCATION CODE  
51520 Prohibited solicitations on school premises

Policy Adopted: March 23, 1987  
Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Non-school Employment**

The Board of Trustees recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employees' duties, if they entail compensation from an outside source for activities that are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 – Solicitation of Funds from and By Students)

(cf. 4119.21/4219.21/4319.21 – Professional Standards)

(cf. 4135 – Soliciting and Selling)

(cf. 4137 – Tutoring)

(cf. 9270 – Conflict of Interest)

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action. Appeals shall be addressed in accordance with law, Board policy and administrative regulations.

(cf. 4118 – Suspension/Disciplinary Action)

(cf. 4119.1 – Civil and Legal Rights)

(cf. 4144/4244/4344 – Complaints)

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

#### **Legal Reference:**

##### **EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

##### **GOVERNMENT CODE**

1126 Incompatible activities of employees

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Tutoring**

The Board of Trustees expects teachers and other members of the instructional staff to make every effort to resolve students' learning problems at school before recommending that parents/guardians engage a tutor or other professional help. By maintaining a competent, dedicated staff and adequate instructional resources, the Board seeks to minimize the need for individual tutoring.

To preclude conflicts of interest, teachers may not accept any kind of remuneration for tutoring a student enrolled in any of their classes. Teachers who tutor other students must perform this service outside of school facilities and make their own arrangements with parents/guardians for the fees to be charged. The Board encourages teachers to tutor only in subjects or grade levels for which they are certificated.

ar 44305-44308 Pre-internship teaching program  
44325-44328 District intern program  
44490-44497 Mentor teacher program  
44500-44508 Peer assistance and review program  
44662 Evaluation of certificated employees  
44664 Evaluation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Bargaining Units**

The Board of Trustees recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district.

The Board expects reciprocal negotiating in good faith and recognizes the rights of employees and employee organizations. As required by law, the Board shall negotiate only with the exclusive representative of each bargaining unit.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Employees shall not be intimidated, restrained, coerced or discriminated against, either by the district or by employee organizations, because of their membership or nonmembership in an employee organization.

Legal Reference:

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Concerted Action/Work Stoppage**

The Board of Trustees recognizes the importance of maintaining positive relations with employees, employee organizations, parents/guardians and community members throughout the collective bargaining process. In the event of an impasse in negotiations, the Board shall make a good faith effort to reach an agreement with the employee organization through participation in state mediation and factfinding procedures.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4143/4243 - Negotiations/Consultation)

During any threatened or actual withholding of services, the Board should keep parents/guardians and community informed about the status of district negotiations, the educational program and safety measures that have been taken by the district.

When feasible, the Board desires to keep schools operating during any work stoppage. The Superintendent or designee shall take steps necessary in order to help ensure the safety of students, staff and district property during a work stoppage. Such steps shall be reported to the Board as soon as possible.

The Board recognizes that preparation is necessary to reduce disruption during a work stoppage and to ensure that students receive the education to which they are entitled. When imminent, the Superintendent or designee shall develop a written plan that shall delineate actions to be taken in the event of a strike or threatened strike. The plan shall include specific responsibilities of the Board and district staff, plans to maintain district operations, appropriate student instruction and supervision, as well as communication and safety issues.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 1100 - Communications with the Public)  
(cf. 1112 - Media Relations)  
(cf. 9000 - Role of the Board)

The Board believes that employees shall be held accountable for their behavior during any labor dispute. The district may take disciplinary action against employees, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

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

**Personnel**

**Concerted Action/Work Stoppage (continued)**

Legal Reference:

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

37200-37202 Instructional days

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3543.5-3543.6 Unfair labor practices

3548-3548.8 Impasse procedures

INSURANCE CODE

10116 Employee continuation of insurance coverage

UNITED STATES CODE, TITLE 29

1161-1169 Continuation coverage and additional standards for group health plan

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Concerted Action/Work Stoppage**

#### Maintenance of District Operations

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

(cf. 6111 - School Calendar)

#### Strike Plan

When imminent, the Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

(cf. 3512 - Equipment)

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

**Personnel**

**Concerted Action/Work Stoppage (continued)**

(cf. 6144 - Controversial Issues)

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation.

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, he/she shall be entitled to continued payment as long as he/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Negotiations/Consultation**

The Board of Trustees is legally responsible for negotiating with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

(cf. 4140/4240 - Bargaining Units)

In reaching agreements on employee contracts, the Board should balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

(cf. 4141/4241 - Collective Bargaining Agreement)

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall designate the Superintendent as chief negotiator who may establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Superintendent Board with the bargaining team shall establish standards of conduct pertaining to the negotiations process and members of the bargaining team. Board meetings related to negotiations are not subject to state open meeting laws and shall be held in closed session. Matters discussed in these meetings shall be kept in strict confidence.

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

(cf. 9010 - Public Statements)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Public Notice - Personnel Negotiations**

Because the Board of Trustees has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated.

- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

#### **Public Notice**

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public meeting and shall thereafter be public records. (Government Code 3547)

- (cf. 1340 - Access to District Records)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

#### **Public Disclosure**

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including but not limited to the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)



**Personnel**

**Public Notice - Personnel Negotiations (continued)**

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Complaints**

The Board of Trustees recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

#### Legal Reference:

##### GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296 Definitions

53297 Filing complaint

53298 Reprisals

53298.5 Violations; punishment

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Complaints**

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.
3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

**Personnel**

**Complaints (continued)**

INFORMAL COMPLAINTS

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

FORMAL COMPLAINT PROCEDURE - STEP 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event, which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

FORMAL COMPLAINT PROCEDURE - STEP 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

FORMAL COMPLAINT PROCEDURE - STEP 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2.

**Personnel**

**Complaints (continued)**

All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Sessions Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Compensation**

In order to secure and hold staff committed to student learning, the Board of Trustees recognizes the importance of an attractive compensation package which includes salaries, health benefits and other amenities.

The Board shall adopt separate salary schedules for certificated, classified, and management/supervisory/confidential personnel. These schedules shall comply with law and negotiated agreements and shall be printed and made available for inspection at the district office. 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.

(cf. 4121 - Temporary/Substitute Personnel)  
(cf. 4141/4241 - Collective Bargaining Agreement)

#### Legal Reference:

##### EDUCATION CODE

44492-44494 Mentor teacher stipends  
44977 Salary deductions during absence  
45022-45061 Salaries, especially:  
45023 Availability of salary schedule  
45028 Salary schedule for certificated employees  
45030 Salary schedule for substitutes  
45032 Power of governing board to increase salaries  
45160-45169 Salaries for classified employees  
45268 Salary schedule for classified service in merit system districts

##### GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:  
3543.2 Scope of representation  
3543.7 Duty to meet and negotiate in good faith

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Health And Welfare Benefits**

#### Retired Certificated Employees

The district's health and welfare benefit plan and dental care benefit plan provided for certificated employees shall permit enrollment by any former certificated employee who retired under any public retirement system and to his/her spouse. In addition, the plan shall be available to any surviving spouse of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. In addition, the Superintendent or designee shall annually select a one-month period during which former employees or their spouses may elect to enroll in the health or dental plan or change their enrollment from one plan to another. (Education Code 7000)

If a retired certificated employee or surviving spouse fails to enroll during the initial enrollment period, further opportunity to do so may be denied. A person who has previously received but then voluntarily terminated coverage also may be excluded from obtaining further coverage. (Education Code 7000)

#### Continuation of Coverage

Qualified district employees, their spouses and/or their dependent children shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (26 USC 4980B; Health and Safety Code 1366.23; Insurance Code 10128.53)

1. The death of a covered employee
2. The termination other than by reason of the employee's gross misconduct or reduction in hours of the covered employees employment

(cf. 4117.4 - Dismissal)

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

3. The divorce or legal separation of a covered employee
4. A covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of a covered employee

## **Personnel**

### **Health And Welfare Benefits**

The Superintendent or designee shall notify the plan administrator when a qualifying event has occurred, except that a qualified beneficiary or covered employee shall notify the plan administrator regarding a change in dependent child status, or a divorce or legal separation, within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B)

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (26 USC 4980B; Health and Safety Code 1366.23)

Continuation coverage shall apply as provided by law and by the district's insurance.

However, a former employee who worked for the district for at least ten years and who is age 55 or older on the date employment ends, or his/her spouse or former spouse, may continue benefits until he/she reaches age 65.

#### **Disability Insurance**

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy or nonoccupational illness or injury. (Unemployment Insurance Code 2613)

(cf. 4161 - Leaves)

(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness and Injury Leave)

(cf. 4361 - Leaves)

When disabled by an injury resulting from a violent act sustained while performing their job duties, certificated and classified employees may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

#### **Legal Reference:**

##### **EDUCATION CODE**

7000-7008 Health and welfare benefits, retired certificated employees

35208 Liability insurance

35214 Liability insurance (self-insurance)



**Personnel**

**Health And Welfare Benefits**

Legal Reference: (continued)

44041 Deductions in salary payment as requested by employee

44042 Payroll deductions for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

**GOVERNMENT CODE**

22156 Medicare coverage for school district employees

22751-22883 Public Employees' Medical and Hospital Care Act

22858 Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans

22859 Participation in Medicare reimbursement program

53200-53210 Group insurance, especially:

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

**HEALTH AND SAFETY CODE**

1366.20-1366.28 Cal-COBRA program, health insurance

1373.621 Continuation coverage, age 60 or older after five years with district

**INSURANCE CODE**

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.58 Cal-COBRA program, disability insurance

**UNEMPLOYMENT INSURANCE CODE**

2613 Education program; notice of rights and benefits

**UNITED STATES CODE, TITLE 26**

4980B Failure to satisfy continuation coverage

**UNITED STATES CODE, TITLE 29**

1161-1168 COBRA continuation coverage

**UNITED STATES CODE, TITLE 42**

1395-1395ggg Medicare benefits

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Work-Related Injuries**

The Board of Trustees desires to provide its employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process in order to reduce costs and facilitate employee recovery.

(cf. 3320 - Claims and Actions Against the District)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)  
(cf. 4154/4254/4354 - Health and Welfare Benefits)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 4157.2/4257.2/4357.2 - Ergonomics)  
(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)

An employee shall report any work-related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate.

The Superintendent or designee should endeavor that every new employee is notified of his/her right to receive workers' compensation if injured at work and that injured employees are given notice of rights in accordance with law.

The Superintendent or designee should endeavor that notifications regarding workers' compensation are posted in accordance with law.

#### Legal Reference:

##### EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

##### LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

##### CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Security**

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - Suspension/Disciplinary Action)

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

### **Reporting of Injurious Objects**

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

**Personnel**

**Employee Security (continued)**

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144. - Discipline)

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

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

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

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion Grounds for suspension or expulsion

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

**Personnel**

**Employee Security (continued)**

Legal Reference: (continued)

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Security**

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

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

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

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

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

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

**Personnel**

**Employee Security (continued)**

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

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Leaves**

The Board of Trustees shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation and collective bargaining agreements.

The Board may approve the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee's home or property; and other personal emergencies
6. Vacations for classified staff and certificated management staff, as applicable
7. Jury duty or required court appearances
8. Attendance at work-related meetings and staff development opportunities
9. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4131 - Staff Development)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.3 - Professional Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

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

(cf. 4231 - Staff Development)



## **Personnel**

### **Leaves (continued)**

(cf. 4261.1 - Personal Illness/Injury Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)  
(cf. 4261.3 - Professional Leaves)  
(cf. 4331 - Staff Development)  
(cf. 4361 - Leaves)

#### Long-Term Leaves

With Board approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level (but not necessarily location) as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

#### Legal Reference:

##### EDUCATION CODE

44036 Leaves of absence for judicial and official appearances  
44037 Unlawful to encourage exemption from jury duty  
44842 Failure to provide notice or to report to work  
44940 Sex offenses and narcotic offenses; compulsory leave of absence  
44962-44988 Leaves of absence (certificated)  
45190-45210 Leaves of absence (classified)

##### GOVERNMENT CODE

3543.2 Scope of representation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Leaves**

#### Disability Leave

The Board of Trustees may grant a leave of absence to any certificated employee who has applied for disability benefits, not to exceed 30 days beyond final determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave shall be extended for the term of the disability, but not more than 39 months. (Education Code 44986)

#### Return to Service After Leaves

By May 30 of each school year, the clerk or secretary of the Board may request any certificated employee on leave of absence to notify the district, in the manner described in Education Code 44842, of his/her intention to remain in service with the district the following school year. (Education Code 44842)

Following a request by the district to give notice in the manner described in Education Code 44842, an employee who is on leave of absence for 20 or more consecutive working days after April 30 of any school year may have his/her employment terminated if: (Education Code 44842)

1. The employee, without good cause, fails to notify the district by July 1 that he/she intends to remain in service the following school year.
2. The employee, without good cause and without being granted a leave of absence, fails to report for duty at the beginning of the next school year after being notified at least five days in advance of the time and place at which to report to work.

(cf. 4117.4 - Dismissal)

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

#### Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personal Illness/Injury Leave**

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

(cf. 4161/4261 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4361 - Leaves)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by a certificated employee for:

1. Cases of temporary inability to perform duties because of illness, accident or quarantine, whether or not the cause of absence arises out of and in the course of employment (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Absences due to pregnancy, miscarriage, childbirth and recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Cases of personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments when not possible to be scheduled outside of work hours.

**Personnel**

**Personal Illness/Injury Leave (continued)**

5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse or spouse's child up to the amount of sick leave that would be accrued during six months (Labor Code 233)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

**Sick Leave Beyond 10 Days**

When a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his/her duties due to illness or accident for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

After five months, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in

## **Personnel**

### **Personal Illness/Injury Leave (continued)**

another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

#### **Verification Requirements**

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and at district expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

**Personnel**

**Personal Illness/Injury Leave (continued)**

Legal Reference:

**EDUCATION CODE**

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44986 Leave of absence for disability allowance applicant

**LABOR CODE**

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

**CODE OF REGULATIONS, TITLE 5**

5601 Transfer of accumulated sick leave

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Industrial Accident/Illness Leave**

In each fiscal year, allowable leave for certificated employees for any single industrial accident or illness shall be for 60 days during which the schools of the district are in session or when the employee would otherwise have been performing work for the district.

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)  
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)  
(cf. 4161/4261 - Leaves)  
(cf. 4361 - Leaves)

Allowable industrial accident/illness leave shall not accumulate from year to year. (Education Code 44984)

When a certificated employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44984)

1. Industrial accident or illness leave shall start on the first day of absence.
2. The employee shall be paid such portion of the salary due for any month in which the absence occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
4. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary. (Education Code 44984)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

**Personnel**

**Industrial Accident/Illness Leave (continued)**

During any paid leave of absence, the employee may endorse to the district the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants. (Education Code 44984)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 44984)

Legal Reference:

EDUCATION CODE

44977 Salary deductions during absence from duties

44978 Provisions for certificated employee sick leave

44983 Exception to sick leave

44984 Required rules for industrial accident and illness leave of absence

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Personal Leaves**

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

#### Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### Personal Necessity

Employees may use up to twenty days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave are stipulated in the collective bargaining agreements. Employees not covered by a collective bargaining agreement may be granted the same leave benefits as other employees.

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

## **Personnel**

### **Personal Leaves (continued)**

Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. For certificated employees, advance permission also shall not be required in cases involving the serious illness of a member of the employee's immediate family. (Education Code 44981, 45207)

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

### **Legal Duties**

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees once every three years.

Employees shall be granted personal necessity leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons and subpoenas for court appearances shall be submitted to the district office when requesting leave.

### **Leaves for Crime Victims**

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence

## **Personnel**

### **Personal Leaves (continued)**

occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The supervisor and Superintendent or designee shall keep any records pertaining to the employee's absence from work. (Labor Code 230.2)

### **Leaves for Victims of Domestic Violence or Sexual Assault**

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment. (Labor Code 230, 230.1)

### **Service on Education Boards, Committees and State or Employee Organizations**

Employees may be granted paid leaves for service performed within the state on any education boards, commissions, committees or groups authorized by Education Code 44987.3 or statute as approved by the Superintendent or designee. (Education Code 44987.3)

## **Personnel**

### **Personal Leaves (continued)**

#### Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

#### Legal Reference:

##### EDUCATION CODE

- 44036-44037 Leaves of absence for judicial and official appearances
- 44963 Power to grant leaves of absence (certificated)
- 44981 Leave of absence for personal necessity (certificated)
- 44985 Leave of absence due to death in immediate family (certificated)
- 44987 Service as officer of employee organization (certificated)
- 44987.3 Leave of absence to serve on certain boards, commissions, etc.
- 45190 Leaves of absence and vacations (classified)
- 45194 Bereavement leave of absence (classified)
- 45198 Effect of provisions authorizing leaves of absence
- 45207 Personal necessity (classified)
- 45210 Service as officer of employee organization (classified)

##### GOVERNMENT CODE

- 3543.1 Release time for representatives of employee organizations

##### LABOR CODE

- 230-230.2 Leave for victims of domestic violence, sexual assault or specified felonies
- 230.3 Leave for emergency personnel
- 230.4 Leave for volunteer firefighters
- 230.8 Leave to visit child's school
- 233 Illness of child, parent, spouse, domestic partner or domestic partner's child
- 234 Absence control policy

##### PENAL CODE

- 667.5 Violent felony, defined
- 1192.7 Serious felony, defined

##### CALIFORNIA CONSTITUTION

- Article 1, Section 8 Religious discrimination

##### UNITED STATES CODE, TITLE 42

- 2000d-2000d-7 Title VII, Civil Rights Act of 1964

Regulation Approved: March 23, 1987

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## Personnel

### Military Leave

Military leave shall be granted in accordance with law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.91, 38 USC 4301, 4303, 4316)

(cf. 4161/4261 – Leaves)

(cf. 4361 – Leaves)

An employee who needs to be absent from the district to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312)

An employee's cumulative length of the absence and of all previous military leave shall not exceed five years, excluding those training and service obligations specified in 38 USC 4312. (38 USC 4312)

### Compensation

An employee shall receive his/her salary or compensation for the first 30 days of an absence for military leave if he/she:

1. Is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
  - a. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
  - b. He/she has been employed by the district for at least one year immediately prior to the day the military leave begins.
2. Has served with the district for at least one year and is ordered, on other than a temporary basis, into active military duty as a member of the reserve corps of the United States Armed Forces, National Guard or Naval Militia or otherwise is

## Personnel

### Military Leave (continued)

- inducted, enlisted, entered, ordered or called into active duty as a member of the Armed Forces (Military and Veterans Code 389, 395, 395.02)
3. Is a member of the National Guard, however long employed by the district, who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty (Military and Veterans Code 39501)
  4. Is a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia who is engaged in temporary inactive duty training, provided that he/she has been employed by the district for at least one year immediately prior to the day the military leave begins

In determining length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be counted.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

The 30-day pay entitlement is the maximum allowance that shall be paid for any one military leave or during any one fiscal year, unless otherwise authorized by the Board of Trustees pursuant to Military and Veterans Code 395.03 or Education Code 44018.

During the period of military leave, an employee may, but is not required to, use any vacation or similar paid leave accrued before the commencement of the military leave. (38 USC 4316)

### Benefits

An employee may elect to continue his/her health coverage during the leave. For employees making this election after December 10, 2004, the maximum period of coverage for the employee and his/her dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317)

## **Personnel**

### **Military Leave (continued)**

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317)

Upon approval by the Board, any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization may receive, for up to 180 days, all benefits that the employee would have received if he/she had not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

### **Vacation and Sick Leave Accrual**

An employee on temporary military leave, including an employee described in item #1 in the section entitled "Compensation" above shall continue to accrue the same vacation, sick leave or holiday privileges for up to a maximum period of 180 days, provided he/she has been employed by the district for at least one year immediately prior to beginning the leave. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency or United Nations military or policy operation shall not accrue sick leave or vacation leave during the period of such leave. However, an employee who is a National Guard member on active duty for the purposes described in item #3 in the section entitled "Compensation" above shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence.. (Military and Veterans Code 395.1, 395.05)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

## **Personnel**

### **Military Leave (continued)**

#### Employment Status

Absence for military leave shall not affect the classification of any certified employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800\_

(cf. 4116 – Probationary/Permanent Status)

#### Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service has occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System and Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

#### Reinstatement Rights

At the conclusion of the military duty, an employee shall be entitled to return to the position held at the beginning of the military leave, at the salary to which he/she would otherwise have been entitled, provided that the employee was not separated from military service with a disqualifying discharge or under other than honorable conditions. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313)

An employee who performs active military duty in time of war or national emergency or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement in inactive duty. Reemployment rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service. (Education Code 44800, Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows: (38 USC 4312)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full calendar day following the completion of military service



## **Personnel**

### **Military Leave (continued)**

2. For a leave of 31 to 180 days, the employee shall complete an application for reemployment not later than 14 days after the completion of military service
3. For a leave of more than 180 days, the employee shall submit an application for reemployment within 90 days after the completion of military service

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reemployment at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service. (38 USC 4312)

An employee failing to apply for reemployment within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the Board's rules governing unexcused absences. (38 USC 4312)

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he/she is qualified. (Military and Veterans Code 395, 395.1)

An employee may not be reemployed if the district's circumstances have so changed as to make such reemployment impossible or unreasonable; if the accommodation, training or effort described in 38 USC 4313(a)(3), (a)(4) or (b)(2)(B) would impose an undue hardship on the district; or if the employee's position was for a brief, non-recurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312)

The Superintendent or designee shall provide employees a notice of the rights, benefits and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

#### Legal Reference:

##### EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty - computation of salary

##### GOVERNMENT CODE

**Personnel**

**Military Leave (continued)**

**Personnel**

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definition of temporary military leave

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4333 Uniformed Services Employment and Reemployment Rights Act of 1994

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Family Care And Medical Leave**

#### Eligibility

The district shall grant family care and medical leave of a minimum of 12 work weeks during any 12-month period, to eligible employees, for the following reasons: (Government Code 12945.2; 29 USC 2601)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. To care for the employee's child, parent or spouse with a serious health condition.
3. Because of the employee's own serious health condition that makes him/her unable to perform the functions of his/her position. However, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

The district shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave. (Government Code 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

#### Definitions

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2)

Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

Instructional employee means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education

## **Personnel**

### **Family Care And Medical Leave (continued)**

assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

#### **Rights to Reinstatement and Maintenance of Benefits**

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's work site
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

## **Personnel**

### **Family Care And Medical Leave (continued)**

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

(cf. 4317.3 - Personnel Reduction)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Terms of Leave

This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. (Government Code 12945, 12945.2)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. Accrued sick leave may be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261 - Leaves)

## **Personnel**

### **Family Care And Medical Leave (continued)**

#### Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the district may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

#### Request for Family Care and Medical Leave

An employee shall request family care and medical leave in writing, at least 30 days before the commencement date of the leave. If the leave becomes necessary less than 30 days before its commencement, the employee shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

In every case in which the necessity for the leave is foreseeable based on planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

#### Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent or spouse with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

## **Personnel**

### **Family Care And Medical Leave (continued)**

If the district doubts the validity of a certification that accompanies a request for leave, the district may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the district may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. (29 USC 2613; Government Code 12945.2)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in the preceding paragraph. (29 USC 2613; Government Code 12945.2)

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

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

### **Records**

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

### **Legal Reference:**

#### **GOVERNMENT CODE**

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

#### **CODE OF REGULATIONS, TITLE 2**

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

#### **UNITED STATES CODE, TITLE 29**

2601-2654 Family and Medical Leave Act of 1993

#### **CODE OF FEDERAL REGULATIONS, TITLE 29**

825.100-825.800 Family and Medical Leave Act of 1993

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Family Care And Medical Leave**

#### YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

#### REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

- \* to care for the employee's child after birth, or placement for adoption or foster care;
- \* to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- \* for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

#### ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- \* The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- \* An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.



**Personnel**

**Family Care And Medical Leave (continued)**

JOB BENEFITS AND PROTECTION

\* For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

\* Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

\* The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

FOR ADDITIONAL INFORMATION

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

## **Personnel**

### **Catastrophic Leave Program**

When a catastrophic illness or injury incapacitates an employee or a member of his/her family for an extended period of time and the employee has exhausted all paid leaves of absence, other employees may donate accrued vacation and/or sick leave credits to that employee under the specific requirements of the district's catastrophic leave program.

Donations made under the catastrophic leave program shall be strictly voluntary.

(cf. 4161/4261 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 4361 - Leaves)

Legal Reference:

EDUCATION CODE

44043.5 Catastrophic leave

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Catastrophic Leave Program**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than 80 hours or 20 full days.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

The District may establish a pool (bank) to which employees may donate unused sick leave (above and beyond 80 hours or 20 full days). In the event that the employee for whom the leave was donated has no further need, it may be placed in the pool (bank). Any employee utilizing the pool (bank) may be credited with a minimum of one (1) day and a maximum of twenty-two (22) workdays in a paid status.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Classified Personnel**

The Board of Trustees shall fill each of its classified positions with qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the district's educational program.

(cf. 0200 – Goals for the School District)

(cf. 4211 – Recruitment and Selection)

#### Classification of Employees

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position.

(cf. 4211 – Recruitment and Selection)

(cf. 4212 – Appointment and Conditions of Employment)

Each position shall have a designated title and regular minimum number of assigned hours per day, days per week and months per year. A job description shall be established for each position.

#### Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

#### Legal Reference:

##### EDUCATION CODE

45100-45139 Employment of classified staff

45160-45169 Salaries and differential compensation

45190-45210 Resignation and leaves of absence

45220-45320 Merit system

49406 Examination or tuberculosis

5176—51769.5 Work experience education

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Classified Personnel**

#### Exemption from Classified Service

Individuals hired solely for the following purposes are exempt from the classified service: (Education Code 45103)

1. Substitute or short-term employees, as defined, who are employed and paid for less than 75 percent of the school year

Substitute employee means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Governing Board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

Short term employee means any person who is employed to perform a service for the district, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

Seventy-five percent of the school year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.

2. Part-time playground positions (noon duty aides) in the district
3. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
4. Full-time students employed part time
5. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district. and which is financed by state or federal funds

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

**Personnel**

**Classified Personnel (continued)**

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

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4212.5 - Criminal Record Check)

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Recruitment And Selection**

The Superintendent or designee shall recruit candidates for open positions based on an assessment of the district's needs for specific skills, knowledge and abilities. He/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position.

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. He may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person should be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4312.1 - Contracts)

## **Personnel**

### **Recruitment And Selection (continued)**

Legal Reference:

#### **EDUCATION CODE**

- 200-262.4 Prohibition of discrimination on the basis of sex
- 44066 Limitations on certification requirement
- 44259 Teaching credential; exception; designated subjects; minimum requirements
- 44735 Incentive grants for recruiting teachers for low-performing schools
- 44750-44754.5 Regional teacher recruitment centers
- 44830-44831 Employment of certificated persons
- 44858 Age or marital status in certificated positions
- 44859 Prohibition against certain rules and regulations re residency
- 45103-45138 Employment (classified employees)
- 49406 Examination for tuberculosis
- 52051 Academic Performance Index

#### **GOVERNMENT CODE**

- 12900-12996 Fair Employment and Housing Act, including:
  - 12940-12956 Discrimination prohibited; unlawful practices
- UNITED STATES CODE, TITLE 8
  - 1324a Unlawful employment of aliens
  - 1324b Unfair immigration related practices
- UNITED STATES CODE, TITLE 42
  - 2000d-2000d-7 Title VI, Civil Rights Act of 1964
  - 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
  - 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
- 12101-12213 Americans with Disabilities Act
- CODE OF FEDERAL REGULATIONS, TITLE 28
  - 35.101-35.190 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Classified Personnel**

### **Application for Employment or Classified Positions**

#### **A. Filing of Application**

All applications for employment shall be made upon official forms furnished by the District, filled out as therein directed and filed on or before the date specified and in the office specified in the position announcement.

#### **B. General Qualifications of Applicants**

1. Legal Status Requirement – See AR 4211.2
2. Applicants must possess all requirements that may be specified in the minimum qualifications established for the class.
3. Applicants must be in all respects mentally and physically competent to perform the duties of the position for which they apply.
4. An eligible may be required to take a physical or mental examination prior to employment. When a physical or mental examination is required, it shall be taken under the auspices of the Board of Trustees at such time as the District shall designate.
5. Every applicant must meet age requirements imposed by any requirement system in force in the District. (Education Code 45134)

#### **C. Elimination of Unfit Applicants, Candidates and Eligibles**

The District may refuse to employ any applicant for any of the following reasons:

1. Failure to meet the general qualifications of Paragraph B above.
2. Knowingly remaining a member of the Communist Party on or after September 9, 1953.
3. Advocacy of overthrow of the government of the United States or the State of California by force, violence or other unlawful means.
4. Conviction or pleading guilty in court to a charge of moral turpitude, or any sex offense, or mistreatment of children.

**Classified Personnel**

**Application for Employment or Classified Positions (continued)**

5. Criminal, infamous, dishonest, immoral or disgraceful conduct according to standards approved by the Board. Standards are defined as follows:  
  
Criminal – Conviction of crime(s) specifically set forth in the Education Code as cause(s) for rejection or termination.  
  
Infamous – Crime against nature.  
  
Dishonest – Thefts, burglaries.  
  
Immoral – Sex offenses, more specifically, those set forth in the Education Code as cause for termination.  
  
Disgraceful Conduct – Drunk or fighting in public, insulting, slandering a fellow employee.
6. Intentionally making a false statement or omitting a statement of any material fact on the application form.
7. Practicing any deception or fraud in connection with an examination to secure employment.
8. Conviction of drug addiction and/or use of intoxicating beverages to excess.
9. Dismissal from a previous employment for cause, if the cause would have subjected the applicant to dismissal by the District.
10. Previous dismissal from this District unless the District waives this subsection.
11. A record of unsatisfactory service with the District even though separation has not occurred.
12. Unsatisfactory health conditions.
13. Failure to report to duty after an assignment has been offered and accepted.

**Classified Personnel**

**Application for Employment or Classified Positions (continued)**

14. Failure, after due notice, to report promptly for review of any of the above bases for rejection.
15. Refusal to furnish testimony at a hearing or investigation before the Board of Trustees.
16. Refusal to sign loyalty oath. (Education Code 7001)

**D. Applicant Not to be Returned**

All applications and examination papers are confidential records of the District and shall not be returned to the applicant.

**E. Applicants' Names Not Made Public**

The names of the applicants or unsuccessful candidates in any examination shall not be made public.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Legal Status Requirement**

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

Note: Employers may be subject to fines and/or imprisonment if they fail to request evidence of employment eligibility or if they knowingly hire undocumented workers.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with administrative regulation.

#### Legal Reference:

UNITED STATES CODE, TITLE 8

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Legal Status Requirement**

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows continuing employment eligibility. (8 CFR 274a.2)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Classified Personnel**

### **Appointment And Conditions Of Employment**

Upon recommendation of the Superintendent, the Board of Trustees shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall, at a minimum:

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)

(cf. 4212.5 - Criminal Record Check)

3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)

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

4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)

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

8. File the oath or affirmation of allegiance required by Government Code 3100-3109

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

**Classified Personnel**

**Appointment And Conditions Of Employment (continued)**

9. Submit to drug and alcohol testing as required by Board policy

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

10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination for tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by person required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Classified Personnel**

### **Appointment and Conditions of Employment**

#### Wage and Salary Provisions

##### A. Initial Placement

Probationary employees shall start at the appropriate salary range and step as set forth below:

New employees whose previous work experience is similar to that for which they have been hired may be placed on any salary step above the entry level up to and including Step 3 of the salary range of the assigned class or higher as approved by the Superintendent or designee.

After a new employee is selected for employment, the application records shall be reviewed by the Superintendent or his designee to determine the quantity and quality of job related past experience and knowledge.

##### B. Step Advancement

###### 1. Salary Increase – New Employees

- a. New employees, full-time and part-time, exempt and non-exempt, shall be in a probationary status for not less than the first six months of employment. Annually thereafter, on the anniversary of the initial date of employment, the employee is eligible to receive salary step increases in accordance with the rules and regulations for step increases. The initial probationary period may be extended for additional six-month periods, if necessary.

###### 2. Step Advancement – Permanent Employees

- a. Permanent classified employees shall advance from Step 1 through Step 5 on the salary schedule of their regular class each year on the anniversary date of their entrance into employment in the district or the date of their promotion into the class. These annual step increases are subject to the following:
  - 1) That employees have received satisfactory performance evaluations; and



## Classified Personnel

### Appointment and Conditions of Employment (continued)

- 2) That they have not been in unpaid status for more than one month during their assigned year. In the event that an employee does not meet the paid status requirement of this paragraph, step advancement may be withheld until the requirement has been met.
- b. A permanent employee failing to achieve the required satisfactory rating will cause the step advancement to be withheld for not less than sixty (60) days.
- c. Should a permanent employee's step advancement be delayed due to failure to meet the requirements for advancement, the date of the step advancement shall become the new salary anniversary date of the employee.
- d. Performance Recognition Increase (PRI) – Steps 6, 7 and 8
  - 1) Advancement to Steps 6, 7 and 8 of the Classified Salary Schedule will be in accordance with the provisions of the contractual agreement.
- e. Reduction from Steps 6, 7 and 8

Any employee who is already placed on Steps 6, 7 and 8 must be reduced one step at a time to no lower than Step 5 if the employee receives an annual evaluation that has a composite rating of "Below Work Performance Standards" and also receives a second evaluation no less than one year later again rating the employee "Below Work Performance Standards." The effective date of the reduction shall be the date the evaluation is filed in the employee's personnel file.

### 3. Longevity Salary Increases

Longevity salary increases will be in accordance with the provisions of the contractual agreement.

## Classified Personnel

### Appointment and Conditions of Employment (continued)

Each regular classified employee after ten (10) years of service, fifteen (15) years of service, twenty (20) years of service and twenty-five (25) years of service may be eligible for a longevity increase. The following rules apply:

- a. Classified employees assigned to less than twelve (12) months work schedules shall be credited with one year's service toward the longevity salary increase for each school year employed..
- b. Classified employees assigned to regular work schedules of less than eight (8) hours per day shall be credited with full-time employment for longevity salary increases.
- c. Time taken by classified employees for leaves of absence without pay will not be included in computing total years of service for longevity purposes.
- d. All longevity salary increases shall become effective on the employee's salary anniversary date after the completion of ten years of service, fifteen years of service, twenty years of service and twenty-five years of service.

#### C. Salary Placement Upon Promotion

1. When a permanent employee is promoted to or assigned as a provisional or limited-term employee to a classification with a higher maximum salary than their previous classification, salary will be adjusted to the minimum rate established for that classification or to that step of the new range that represents a salary increase.
17. Employees promoted to a new classification shall be on probation in that class for a period not less than six months from the effective date of the promotion. At the end of the probationary period, the employee will achieve permanency in the new classification. The effective date of the promotion shall become the new salary anniversary date.

## Classified Personnel

### Appointment and Conditions of Employment (continued)

#### D. Salary Placement After Leave of Absence

Unless the leave taken under these rules or laws provides that the break in service will be disregarded, the employee upon return from a leave of absence shall resume step placement and advancement on the range as though the leave had not been taken, however, leave time will not be counted toward step advancement. The salary anniversary date shall be adjusted.

#### E. Salary Placement When Demoted

An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class that is closest to the rate earned in the higher class, provided that there shall not be a salary increase thereby. Employees shall retain the anniversary date established in the higher class.

#### F. Substitute Assignments for Regular Part-Time Employees

In that part of the school day when they are not in a paid status, regular part-time employees of the District may, when willing, be assigned to substitute or relief positions as needed. Payment for duties performed in a substitute or relief capacity shall be as follows:

1. If the substitute or relief assignment is in an equal or lower class than that to which the employee is permanently assigned, compensation shall be at that step of the class that is equal to the employee's current range and step. If the schedule for the lower class does not include the employee's regular rate of pay, compensation shall be at that step of the schedule that is closest to, but not more than the employee's current rate of pay.
2. If the substitute or relief assignment is in a higher class than that to which the employee is permanently assigned, compensation shall be at that step of the higher class which is equal to the employee's current rate of pay. If the schedule for the higher class does not include the employee's regular rate of pay, compensation shall be at that step of the schedule that is closest to, but not less than the employee's current rate of pay.

## **Classified Personnel**

### **Appointment and Conditions of Employment (continued)**

#### **G. Classifications Exempt from Overtime or Call-In Time Payments**

In accordance with the Education Code Section 45127 and Fair Labor Standards Act, the following classifications as shown shall not receive payment for overtime or call-in time work:

Director of Maintenance/Maintenance Supervisor  
Director of Food Services/Supervising Manager of Food Services  
Fiscal Services Coordinator

#### **H. Payrolls**

##### **1. Official Roster**

The District shall maintain an official roster containing the names and complete employee records of all employees.

##### **2. Payroll Deductions**

The Board shall, without charge, reduce orders for salary payment due to employees by that amount requested by an employee in a written revocable authorization to deduct. The deduction may be made for any or all of the following purposes:

- a. Paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or dependents.
- b. Paying rates, dues, fees or other periodic charges on any hospital serving contract for the benefit of the employee or dependents.
- c. Paying periodic charges on any medical and hospital service agreement or contract for the benefit of the employee or dependents.
- d. Professional dues, credit plans, donations and such items as approved by the Board of Trustees.

**Classified Personnel**

**Appointment and Conditions of Employment (continued)**

The Board of Trustees shall, beginning with the month designated by the employee and each month thereafter until authorization for the deduction is revoked, draw its order upon the funds of the District in favor of the insurer that has issued the policies or certificates or in favor of the non-profit hospital service, corporation that has issued hospital service contracts or in favor of the non-profit membership corporation that has issued medical and hospital service agreements or contracts for an amount equal to the total of the respective deductions therefore made during the months.

Whenever possible, authorization for the above deductions shall be submitted to the Payroll Office one month in advance of the effective date of coverage. (Education Code 44041)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Staff Teaching Students of Limited English Proficiency**

The Superintendent or designee shall ensure compliance with state staffing requirements for serving limited-English-proficient (LEP) students.

(cf. 6174 - Education for English Language Learners)

#### **Local Designation of Qualified Teachers (CDE Option 3)**

Teachers providing English language development and/or primary language instruction shall meet district criteria for teacher proficiencies which have been approved by the California Department of Education.

#### **Plan to Remedy the Shortage of Qualified Teachers (CDE Option 4)**

The Superintendent or designee shall develop a plan to remedy the district's shortage of qualified teachers in accordance with law and with California Department of Education approval. This plan shall include an appropriate staff development program designed to provide training in English language development teaching methodology, bilingual cross-cultural teaching methodology, and the acquisition of the primary languages of LEP students. As part of this plan, appropriately qualified bilingual paraprofessionals may be teamed with regular teachers. The plan shall specify the number of teachers to be trained and the number expected to meet certification or local designation standards each year. The training program also shall address the needs of teachers who instruct LEP students on an interim basis.

#### **General Waiver Authority**

When the district is unable, after good faith efforts, to obtain the human and material resources necessary to provide instructional and support services for LEP students, the district shall request a waiver from the State Board of Education under the General Waiver Authority. (Education Code 33050)

(cf. 1431 - Waivers)

#### **Specially Designed Services and Training (CDE Option 6)**

Whenever there are fewer than 51 students of a particular language group in the district or fewer than 21 students of a particular language group in any school, the Superintendent or designee may design special instructional services and staff training programs in concert with the California Department of Education's Bilingual Education Office.

**Personnel**

**Staff Teaching Students of Limited English Proficiency (continued)**

(cf. 4113 - Assignment)

(cf. 4131 - Staff Development)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

10600-10610 California Education Information System

33050 Request for waiver of code provisions

44225 Duties of the Commission on Teacher Credentialing

44253.1-44253.10 Certification for bilingual-cross cultural competence

44380-44386 Alternative certification

44760-44763 Teacher supply and demand reporting

52160-52178 Bilingual-Bicultural Act of 1976

52180-52186 Bilingual teacher training assistance program

62000-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

80680-80690.1 Staff development programs for teachers of English learners

UNITED STATES CODE, TITLE 20

1701-1704 Equal Educational Opportunities

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Oath Or Affirmation**

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 9224 - Oath or Affirmation)

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

(cf. 4121 - Temporary/Substitute Personnel)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



**Personnel**

**Oath Or Affirmation**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

(Signature)

Certified by:

(Person who administers the oath)

## **Personnel**

### **Health Examinations**

#### New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

#### Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Board of Trustees may require continuing employees to undergo tuberculosis tests when requested by the local health officer.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41 - Employees with Infectious Disease)

#### Legal Reference:

##### EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

##### CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Health Examinations**

#### New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An X-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
  - b. By having the last employing school verify that it has on file a current certificate which contains that showing.
2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of pre-employment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

#### Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

**Personnel**

**Health Examinations (continued)**

Tuberculosis tests and other medical examinations required by the Superintendent or designee shall be administered by a physician licensed under the Business and Professions Code and shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

**Food Service Workers**

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any district cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Drug Testing**

The Board of Trustees maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

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

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

#### **Pre-Employment Drug/Alcohol Testing**

Once a conditional offer of employment has been made, prospective employees shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

All medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

44839 Medical certificate; periodic medical examination

45122 Physical examinations

##### **GOVERNMENT CODE**

8350-8357 Drug-free workplace

12940 Unlawful employment practices

##### **CODE OF REGULATIONS, TITLE 5**

5504 Medical certification procedures

##### **UNITED STATES CODE, TITLE 41**

701-707 Drug-Free Workplace Act

##### **UNITED STATES CODE, TITLE 20**

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Drug Testing**

#### Pre-Employment Drug/Alcohol Screening

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district.

To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Governing Board policy and administrative regulation. The district shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Superintendent or designee is presented with a court order requiring the disclosure.

If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test shall be conducted at the district's expense.

Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district, but must submit the results of a new test at their expense.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Criminal Record Check**

#### Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. (Education Code 45125)

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The Board of Trustees may not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

(cf. 4212 - Appointment and Conditions of Employment)

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c).

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

**Personnel**

**Criminal Record Check (continued)**

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

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

Legal Reference:

EDUCATION CODE

- 44332.6 Criminal record check, county board of education
- 44346.1 Applicants for credential, conviction of a violent or serious felony
- 44830.1 Certificated employees, conviction of a violent or serious felony
- 44830.2 Certificated employees; Interagency agreements
- 45122.1 Classified employees, conviction of a violent or serious felony
- 45125 Use of personal identification cards to ascertain conviction of crime
- 45125.01 Classified employees; interagency agreements
- 45125.1 Fingerprint for contractors
- 45125.5 Automated records check
- 45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

- 6200-6203 Crimes related to public records



**Personnel**

**Criminal Record Check (continued)**

PENAL CODE

502 Unauthorized access to computers

667.5 Violent felonies

1192.7 Serious felonies

11075-11081 Criminal record dissemination

11105-11105.75 Criminal identification

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personnel Files**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

Personnel files shall be reviewed and replaced within the shortest time possible.

#### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)

## **Personnel**

### **Personnel Files (continued)**

#### Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5141.4 - Child Abuse Reporting Procedures)

#### File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall: (Labor Code 1198.5)

1. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee
2. Schedule a review of the records at a time that does not conflict with the employee's regular duties, if possible

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

## **Personnel**

### **Personnel Files (continued)**

The Superintendent or designee shall not be required to make available to the employee:  
(Labor Code 1198.5, Education Code 44031)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

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

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

#### **File Review by Management and Board**

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

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

**Personnel**

**Personnel Files (continued)**

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records 44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment References**

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. Only letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he gives shall provide a complete account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

#### Legal Reference:

##### LABOR CODE

1050-1054 Reemployment privileges

##### CIVIL CODE

47 Privileged communication

##### CODE OF CIVIL PROCEDURE

527.3 Labor disputes

##### CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment Of Relatives**

Note: Government Code 12940 authorizes employers to reasonably regulate the working of spouses in the same department for reasons of supervision, safety, security or morale. However, school districts are precluded from adopting a blanket policy prohibiting the employment of spouses in the same department. The following policy should be revised as desired to reflect district practice.

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment of Relatives**

The following regulations shall govern conflict of interest in the employment of staff:

1. A Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's spouse or children as long as the Board member's interest in the contract is disclosed to the Board, and, thereafter, when the Board authorizes, approves or ratifies the contract by a vote sufficient for the purpose. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract. (Government Code 1091)
2. A Board member shall not be deemed to be interested in a contract between the Board member's spouse and the district, provided the Board member's spouse has been employed by the district for at least one year prior to the Board member's selection or appointment. (Government Code 1091.5)
3. Persons related by blood or marriage to a district employee should not be appointed to positions where the district employee maintains supervisory or evaluation responsibilities for the position.
4. Members of the same family may be employed at the same department or work location upon written approval by the Superintendent or his designated representative.

It is the intent of these rules to avoid any situation wherein there can arise a conflict of interest either on the part of a member of the Board of Trustees or a member of the administrative staff.

#### Legal Reference:

##### GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

12940 Unlawful employment practices exceptions

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 et seq. Conflicts of Interest

87200 et seq. Disclosure

87300 et seq. Conflict of Interest Code

91000 et seq. Enforcement

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Employee Notifications**

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

#### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. E 4112.9 – Signed Statement – Child Abuse Reporting Requirements)

2. Oath or affirmation of allegiance required of public employees

(cf. 4112.3 - Oath or Affirmation)

3. Hepatitis B vaccine declination

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

4. Notice of release from position requiring an administrative or supervisory credential

(cf. 4313.2 - Promotion/Demotion/Reclassification)

5. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek

(cf. 4212 - Appointment and Conditions of Employment)

6. Information about certificated employee membership in the State Teachers' Retirement System

(cf. 4117.1 - Retirement)

#### Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace

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

**Personnel**

**Employee Notifications (continued)**

2. The district's nonsmoking policy  
(cf. 3513.3 - Tobacco-Free Schools)
3. Prohibition of sexual harassment  
(cf. 4119.11 - Sexual Harassment)
4. The certificated employee's employment status and salary  
(cf. 4112.1 - Contracts)
5. State disability insurance rights and benefits  
(cf. 4154 - Health and Welfare Benefits)
6. Certificated employee evaluations  
(cf. 4115 - Evaluation/Supervision)  
(cf. 4315 - Evaluation/Supervision)
7. Requirements and information pertinent to emergency teaching or specialist permit applicants  
(cf. 4112.2 - Certification)

Legal Reference:

EDUCATION CODE

- 231.5 Sexual harassment policy
- 22455.5 STRS information to potential members
- 22515 Irrevocable election to join STRS
- 44031 Personnel file contents, inspection
- 44663 Evaluation and assessment; copy to certificated employee
- 44916 Written statement of employment status
- 44949 Cause, notice and right to hearing
- 44951 Continuation in position unless notified
- 45113 Notification of charges
- 45169 Employee salary data

**Personnel**

**Employee Notifications (continued)**

GOVERNMENT CODE 3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Temporary Modified/Light-Duty Assignment**

Any employee who suffers an injury or illness shall provide the district with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee may seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

Work consistent with temporary medical restrictions will be assigned for up to 90 calendar days or until the employee is sufficiently recovered to return to their original job, whichever occurs first. At the District's discretion, the 90-day period of time may be extended. Temporary work assignments will be within the employee's department. However, the District may provide light duty outside of the employee's department.

If an employee has not fully recovered at the end of the maximum period, the employee may be placed on temporary disability, sick leave, or other available leave to the extent available until the medical restrictions are lifted. No temporary work assignment described or covered under these guidelines is intended or offered as a permanent assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

AR 4213.4 (b)

In the event of a work related injury, if an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005; August 18, 2011

## **Personnel**

### **Evaluation/Supervision**

Regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

(cf. 4141/4241 - Collective Bargaining Agreement)

Supervisors to evaluate employees' on-the-job effectiveness and appraise their major accomplishments and progress in a fair, objective and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or district rules and regulations.

(cf. 4219.21 - Code of Ethics)

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the district.

#### Legal Reference:

##### EDUCATION CODE

45113 Rules and regulations for the classified service in districts not incorporating the merit system

45261 Subjects of rules (merit system districts)

45262 Printing and distribution of rules

##### GOVERNMENT CODE

3543.2 Scope of representation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Evaluation/Supervision**

#### **A. Classified Performance Evaluations**

All regular classified employees shall be evaluated by their immediate supervisor in accordance with the following schedule:

1. Probationary Employees: At least once each year. The evaluation shall be completed and returned to the Superintendent or designee not less than 60 working days prior to the salary anniversary date of the employee being evaluated.
2. Permanent Employees: At least once each year. The evaluation shall be completed and returned to the Superintendent or designee not less than 60 working days prior to the salary anniversary date of the employee being evaluated.
3. All employees within sixty (60) days of the day they were last under control of a supervisor when a transfer, promotion, or demotion involves moving to another department or school.
4. A performance review may be made at any time by the immediate supervisor for the purpose of complimenting as well as offering constructive criticism.
5. Each interview shall be scheduled by the immediate supervisor to allow adequate time for discussion by the employee.

#### **B. Responsibility for Evaluation**

Each immediate supervisor under whom the employee has served for sixty (60) working days or more during any rating period shall provide a performance evaluation, even though the employee may have left their control. In cases where functional supervision is performed by a central office person, this person and the first line supervisor shall confer with respect to the evaluation report and both individuals shall sign the report.

#### **C. Performance Evaluation Procedure**

1. Performance evaluation reports shall be made on forms prescribed by the District that shall be prepared by the employee's immediate supervisor.

## **Personnel**

### **Evaluation/Supervision**

2. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him/her. The evaluation report shall be signed by the employee to indicate receipt, and he/she shall be given a signed copy. Any negative evaluation shall include specific recommendations for improvements and provisions for assisting the employee in implementing any recommendations made.
3. The employee concerned shall have fifteen (15) working days after receipt of the performance review to attach any statement or documents that relate to the subject matter.
4. The performance review forms and all attachments shall then be reviewed by the next higher supervisor and the Superintendent or designee.
5. Performance evaluation reports and all attachments shall be sent to the Personnel Office and filed in the employee's personnel records and shall be available for review in connection with promotions and disciplinary action.

#### **D. Responsibility for Filing Performance Evaluations**

Each supervisor is required by these rules to prepare and discuss with each assigned classified employee a review/evaluation of the employee's work performance for the preceding evaluation period. Such evaluations must be filed within the time period.

An employee may notify the Personnel Office prior the deadline if his/her supervisor has made no effort to fulfill the requirements of this policy.

- E. The supervisor's ratings and opinions expressed in the evaluation are not subject to the Grievance Procedures in the Classified negotiated agreement.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Probationary/Permanent Status**

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed six months of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district. The Superintendent or designee may extend the probationary period by six-month intervals in lieu of termination.

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The Superintendent or designee may dismiss an employee during the initial probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed six months of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which he/she was promoted. (Education Code 45113)

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Resignation**

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation that indicates the date that the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's resignation shall become effective on the date set by the Superintendent or designee and may not be withdrawn by the employee. The Board authorizes the Superintendent or designee to accept this written resignation and to set its effective date.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. (Education Code 44930, 45201)

If a certificated employee leaves district service during the school year without obtaining acceptance of his/her resignation, or if he/she leaves before the effective date of the resignation, the Superintendent or designee shall report this fact, with supporting evidence, to the Commission on Teacher Credentialing.

#### Legal Reference:

##### EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Layoff/Rehire**

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

#### Order of Layoff/Determination of Seniority

The order of layoff within the class shall be determined by length of service. (Education Code 45114, 45308)

Length of service shall be equivalent to all hours in paid status, whether during the school year, a holiday, recess, or during any period that school is in session or closed. Hours in paid status shall not include hours compensated solely on an overtime basis in accordance with Education Code 45128 and shall not be interpreted to mean any service performed prior to entering into probationary or permanent status, except service in restricted positions. The employee who has been employed the shortest time in a particular class, plus time served in higher classes, shall be laid off first. (Education Code 45114, 45308)

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 as a member of the Military Reserve or the National Guard. (Education Code 45297, 45308)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

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, 45114)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

Persons employed under Education Code Section 45105(b) or 45259 in "restricted" positions do not acquire permanent status under Education Code 45113 or 45301 and do not acquire seniority credits for the purpose of layoff for lack of work or lack of funds. (Education Code 45105)

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)

(cf. 4121 - Temporary/Substitute Personnel)

## **Personnel**

### **Layoff/Rehire (continued)**

#### Notice of Layoff

Classified employees subject to layoff because of lack of work in the event of a bona fide reduction or elimination of service being performed shall receive notice of the layoff 45 days before the effective date. They shall be informed of their displacement rights, if any, and their reemployment rights. (Education Code 45117)

In cases where positions in specially funded programs expire at the end of any school year, classified employees subject to layoff for lack of funds shall receive written notice on or before April 29. The notice shall inform them of the layoff effective at the end of the school year, their displacement rights, if any, and reemployment rights. If the termination date of the specially funded program is other than June 30, the notice shall be given at least 45 days before the effective date of the layoff. (Education Code 45117)

The district is not bound to provide 45 days' notice in the event of an actual and existing financial inability to pay the salaries of classified employees or if the layoff is due to a lack of work resulting from conditions not foreseeable or preventable by the district. (Education Code 45117)

The district also is not bound to provide 45 days' notice to any person hired as a short-term employee. (Education Code 45117)

#### Voluntary Demotion or Voluntary Reduction of Hours

Employees who take voluntary demotions or voluntary reductions 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 persons laid off. (Education Code 45114, 45298)

#### Reemployment Eligibility

Classified employees laid off because of lack of work or lack of funds are eligible for reemployment within a period of 39 months and shall be reemployed in preference to new applicants. 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)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, reclassification or reassignment shall retain eligibility to be considered for reemployment in a position of the previously held class or positions with increased

**Personnel****Layoff/Rehire (continued)**

assigned time, provided that the same tests of fitness under which they qualified for appointment to the class are still applicable. The length of this additional period of time shall be determined by the Governing Board on a class-by-class basis and shall not exceed 24 months. (Education Code 45114, 45298)

Employees who take voluntary demotions or voluntary reductions 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)

Upon rejecting two offers of reemployment, the employee's name will be removed from the reemployment list and he/she will forfeit all reemployment rights to which he/she 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, his/her name will be removed from the reemployment list and he/she will forfeit all reemployment rights to which he/she would otherwise be entitled.

**Reemployment Procedures**

Reemployment shall be in reverse order of layoff. (Education Code 45114, 45298, 45308)

In order to be reinstated, an employee must be fully capable of performing the normal and customary duties of the job. Employees whose physical condition is such that they cannot be reinstated at the time called for reemployment will be kept on the reemployment list until physically capable of returning to work or for a period not to exceed 39 calendar months.

(cf. 4032 - Reasonable Accommodation)

When a vacancy occurs, the senior employee who has held prior permanency in the position shall be so notified at his/her last known address and given the opportunity to accept or reject appointment into the vacant position. The employee shall advise the district of his/her decision no later than 10 calendar days following notification. If the employee accepts, he/she shall report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

## **Personnel**

### **Layoff/Rehire (continued)**

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 to him/her at the time of layoff. A laid-off probationary employee shall be reemployed as a probationary employee, and the time served toward the completion of the required probationary period shall be counted. He/she shall also be reemployed with all rights and benefits accorded to him/her 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 bumped into a lower class shall, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she 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.

#### Legal Reference:

##### EDUCATION CODE

45101 Definitions

45103 Classified service in districts not incorporating the merit system

45105 Positions under various acts not requiring certification qualifications; classification

45113 Rules and regulations for classified service in districts not incorporating the merit system

45114 Layoff and reemployment procedures; definitions

45115 Layoff: Reinstatement from service retirement

45117 Notice of layoff

45286 Limited term employees

45297 Right to take equivalent examination while employee in military service

45298 Reemployment and promotional examination preference of persons laid off; voluntary demotions or reductions in time

45308 Order of layoff and reemployment; length of service

45309 Reinstatement of permanent noncertified employees after resignation

##### UNITED STATES CODE, TITLE 38

4301-4307 Veterans' Reemployment Rights

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Termination Agreements**

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

#### Legal Reference:

CIVIL CODE

47 Privileged communication

GOVERNMENT CODE

53260-53264 Employment contracts

LABOR CODE

1198.5 Inspection of personnel files by employees

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Dismissal/Suspension/Disciplinary Action**

#### Termination of Probationary Employment

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

#### Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

#### 1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

- a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.

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



**Personnel**

**Dismissal/Suspension/Disciplinary Action (continued)**

- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- j. Absence without leave.
- k. Immoral conduct.
- l. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of district property.
- p. Violation of district, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.
- s. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.
- t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.

**Personnel****Dismissal/Suspension/Disciplinary Action (continued)**

- u. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- v. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.

Except as defined in item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.

**2. Initiation and Notification of Charges**

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.

**Personnel****Dismissal/Suspension/Disciplinary Action (continued)**

- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.
3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

4. Time Limit of Suspension

Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

5. Right to Appeal

Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper

## Personnel

### Dismissal/Suspension/Disciplinary Action (continued)

included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

#### 6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

#### 7. Hearing Procedures

- a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall

**Personnel****Dismissal/Suspension/Disciplinary Action (continued)**

be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.

- b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.
- c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten days after the proposed decision is filed by the Board. The Board may:
  - (1) Adopt the proposed decision in its entirety.
  - (2) Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.
  - (3) Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
  - (4) Reject the proposed decision in its entirety.
- d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.

## Personnel

### Dismissal/Suspension/Disciplinary Action (continued)

- e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.

#### 8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

#### 9. Compulsory Dismissal

The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)

The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

**Personnel**

**Dismissal/Suspension/Disciplinary Action (continued)**

Legal Reference:

EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

45113 Rules and regulations for classified service in districts not incorporating the merit system

45123 Employment after conviction of sex or narcotics offense

45302 Demotion and removal from permanent classified service

45303 Additional cause for suspension or dismissal of employees in classified service

45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101 - 12213 Americans with Disabilities Act

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **PROFESSIONAL STANDARDS**

The Board of Trustees expects District employees to maintain the highest ethical standards, follow District policies and regulations, and abide by State and Federal laws. Employee conduct should enhance the integrity of the District and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by professional associations to which they may belong. An employee's code of ethics should respect the policies and regulations of the District, State and Federal laws, and enhance the image of the District and the goals of the educational program.

Legal Reference:

### CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Management Resources:

### CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

### COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Standards for School Leaders, 1996

### NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

### WEB SITES

CDE: <http://www.cde.ca.gov>

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

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

California School Leadership Academy: <http://www.csla.org>

Council of Chief State School Officers: <http://www.ccsso.org>

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

Policy Adopted: November 5, 2007



**PROFESSIONAL STANDARDS - CODE OF ETHICS OF THE EDUCATION PROFESSION****A STATEMENT OF PRINCIPLES AMPLIFYING THE CODE OF ETHICS OF THE EDUCATION PROFESSION**Preamble

The educational staff, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educational staff recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct. Each employee is expected to abide by the Board adopted Guiding Goals and Core Values:

## Guiding Goals:

Academic Excellence – Learning for All Students  
 Safe, Orderly, Positive, Respectful Learning Environment  
 Highly Qualified Staff Providing High Quality Service  
 School/Family/Community Partnerships and Communication  
 Acquisition and Allocation of Resources to Support Fiscal Excellence

## Core Values:

Excellence  
 Personal Integrity  
 Social Responsibility and Respect  
 Respect for National Heritage  
 Traditional Values

Principle I(a). Commitment and Conduct to the Student

The educator strives to help each student realize his/her potential as a worthy, effective, and responsible member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. Parents are affirmed as the primary moral educators of their children. Nevertheless, all educators are obligated to help foster civic virtues such as integrity, diligence, responsibility, cooperation, loyalty, fidelity, and respect-for the law, for human life, for others, and for self.

In fulfillment of the obligation to the student, the educator:

1. The professional educator deals considerately and justly with each student, and seeks to resolve problems, including discipline, according to law and school policy.
2. Shall not unreasonably restrain the student from independent action in the pursuit of learning
3. Shall not unreasonably deny the student access to varying points of view
4. Shall not deliberately suppress or distort subject matter relevant to the student's progress
5. Shall make reasonable effort to protect the student from conditions harmful to learning or to

health and safety

6. Shall not intentionally expose the student to embarrassment or disparagement
7. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
8. Shall not use professional relationships with students for private advantage
9. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
10. The professional educator makes a constructive effort to protect the student from conditions detrimental to learning, health, or safety.
11. The professional educator endeavors to present facts without distortion, bias, or personal prejudice.

Principle I (b). Commitment Maintain Professional Staff/Student Boundaries

The purpose of this policy is to provide all staff, students, volunteers, contractors, and community members with information to increase their awareness of their role in protecting minors and adult-age students from inappropriate conduct by adults.

In a professional staff/student relationship, District employees shall maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students. A boundary invasion is an act, omission, or pattern of behavior by a District employee that violates professional staff/student boundaries, does not have an educational purpose, and has the potential to abuse the staff/student relationship.

This policy addresses the relationship between students and District staff. The Board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members should use appropriate professional judgment when they stand in a dual relationship to students so as to avoid violations of District policy, the appearance of impropriety, or the appearance of favoritism.

**CODE OF ETHICS OF THE EDUCATION PROFESSION (CONTINUED)**

Unacceptable Conduct: Examples of inappropriate boundary invasions by staff members include, but are not limited to, the following:

1. Any type of inappropriate physical contact or communication with a student or any other conduct that violates the Board's policies on Employee Conduct, Harassment, Intimidation and Bullying, Non-Discrimination, Sexual Harassment, or Title IX of the Education Amendments of 1972 (Title IX), constitutes misconduct or any conduct between staff and students that would constitute a violation of law;
2. Showing pornography to a student;
3. Singling out a particular student or students for personal attention beyond the professional staff/student relationship;
4. Socializing in gatherings or individually with students or groups of students who are consuming alcohol, drugs or tobacco;
5. Providing alcohol, drugs, or tobacco to students;
6. Non-guidance/counseling staff members who encourage students to confide their personal or family problems and/or relationships to the staff member. If a student initiates such discussions, staff members are expected to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
7. Sending or taking students on personal errands unrelated to any educational purpose;
8. Allowing students to use the staff member's personal vehicle for any purpose;
9. Banter, provocative teasing, jokes or innuendos of a sexual nature, demeaning and degrading comments directed to or about other students, staff or community members;
10. Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
11. Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
12. Maintaining personal contact with a student outside of school by written or electronic means such as an Instant Messenger application, Internet chat rooms or other social networking Websites;
13. Sending phone, email, text messages, or other forms of written or electronic communication to students when the communication is unrelated to school work or other legitimate school business;
14. Exchanging personal gifts, cards or letters with an individual student which are unrelated to school activities;
15. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling, personal counseling sessions, recreational activities, parties, outside of school-sponsored events, except as participants in organized community activities;
16. Giving a student a ride alone, or with a small group of students in a personal staff vehicle in a non-emergency situation;
17. Unnecessarily invading a student's privacy, (e.g. intentionally walking in on the student in the bathroom).

**Appearances of Impropriety:** The following activities can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the staff person must report the occurrence, to the appropriate administrator, as soon as possible:

1. Being alone with an individual student out of the view of others and engaging in intimate discussions or in close physical proximity without a legitimate educational purpose;
2. Inviting or allowing individual students to visit the staff member's home unless other adults are present, the student(s) are invited for an activity related to school, and the student's parent or guardian is informed and has consented;
3. Visiting a student, in his/her home, unless invited by the student's parent or guardian as part of a school activity;
4. Sending e-mails, text messages, or other electronic communications to the student, even when the communication relates to school business, except where the parent or guardian has consented to such communications and receives a copy of the communication;
5. Staff should use school e-mail address and phone numbers and the parents' phone numbers for communications with students, except in an emergency situation.

**Reporting Violations: Child Abuse and Neglect:** Students and their parents/guardians who believe a staff member, contractor, or volunteer may be engaging in conduct that constitutes boundary invasion are strongly encouraged to notify the building principal or the supervisor of the person suspected of engaging in inappropriate conduct.

Any staff member who becomes aware of conduct by another staff member, contractor, or volunteer that may constitute a boundary invasion are required to promptly notify the site principal or the supervisor of the staff member or volunteer suspected of engaging in inappropriate conduct.

All staff members who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, contractor, or volunteer working in the school are required to make a report to Child Protective Services or law enforcement as required by District policy and State law.

Reporting suspected abuse to the building principal or supervisor does not relieve school personnel from their reporting responsibilities and timelines.

Principle II. Commitment to the Profession and Ethical Practices/Performance

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the staff member:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
6. Shall not knowingly make false or malicious statements about a colleague.
7. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.
8. The staff member applies for, accepts, or assigns a position or a responsibility on the basis of professional qualifications, and adheres to the terms of a contract or appointment.
9. The staff member maintains sound mental health, physical stamina, and social prudence necessary to perform the duties of any professional assignment.
10. The staff member continues professional growth.
11. The staff member complies with written local school policies and applicable laws and regulations that are not in conflict with this code of ethics.
12. The staff member does not intentionally misrepresent official policies of the school or educational organizations, and clearly distinguishes those views from his or her own personal opinions.
13. The staff member honestly accounts for all funds committed to his or her charge.
14. The staff member does not use institutional or professional privileges for personal or partisan advantage.

Principle III. Commitment to Ethical Conduct Toward Professional Colleagues

The professional staff, in exemplifying ethical relations with colleagues, accords just and equitable treatment to all members of the profession.

1. The staff member does not reveal confidential information concerning colleagues unless required by law.
2. The staff member does not willfully make false statements about a colleague or the school system.
3. The staff member does not interfere with a colleague's freedom of choice, and works to eliminate coercion that forces educators to support actions and ideologies that violate individual professional integrity.

Principle IV. Commitment to Ethical Conduct Toward Parents and Community

The professional staff pledges to protect public sovereignty over public education and private control of private education. The professional staff recognizes that quality education is the common goal of the public, boards of education, and educators, and that a cooperative effort is essential among these groups to attain that goal.

1. The professional educator makes concerted efforts to communicate to parents all information that should be revealed in the interest of the student.
2. The professional educator endeavors to understand and respect the values and traditions of the diverse cultures represented in the community and in his or her classroom.
3. The professional educator manifests a positive and active role in school/community relations.

**Disciplinary Action**

Staff violations of this regulation may result in disciplinary action, up to and including termination. Violations involving sexual or other abuse will also result in referral to Child Protective Services and/or law enforcement.

Source: National Education Association, 1975  
Association of American Educators

Regulation Approved: August 12, 2019

## **Personnel**

### **Civil And Legal Rights**

The Board of Trustees recognizes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the employee's performance of his/her duties.

An employee's religious or political activities, or lack thereof, shall not be grounds for any discrimination or disciplinary action by the district, provided that these activities do not violate law, Board policy or administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes and beliefs; gender, political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

#### **Whistleblower Protection**

An employee shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency. (Education Code 44111, 44112)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

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

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, he/she may also file a copy of the complaint with local law enforcement in accordance with Education Code 44114.

## **Personnel**

### **Civil And Legal Rights (continued)**

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

#### Protection Against Liability

No Board Member or employee shall be liable for harm caused by his/her act or omission when acting within the scope of employment or district responsibilities. For the protection against liability to apply, the act or omission must be in conformity with federal, state and local laws and must be in furtherance of an effort to control, discipline, expel or suspend a student, or to maintain order or control in the classroom or school. (20 USC 6736)

(cf. 3320 - Claims and Actions Against the District)

(cf. 9260 - Legal Protection)

The protection against liability shall not apply when: (20 USC 6736)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety
2. The employee caused harm by operating a motor vehicle
3. The employee was not properly licensed, if required, by state law for such activities
4. The employee was found by a court to have violated a federal or state civil rights law
5. The employee was under the influence of alcohol or any drug at the time of the misconduct
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court
7. The misconduct involved a sexual offense for which the employee has been convicted in a court



**Personnel**

**Civil And Legal Rights (continued)**

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

7050-7058 Political activities of school officers and employees

44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

49091.24 Teacher rights to refuse evaluation/survey of personal life

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12951 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

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

2000h-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Sexual Harassment**

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Informing staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures in order to avoid harm.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, district administrator or Superintendent to obtain procedures for filing a complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

## **Personnel**

### **Sexual Harassment (continued)**

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

##### CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Sexual Harassment**

Prohibited 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 gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body
7. Touching an individual's body or clothes in a sexual way

**Personnel**

**Sexual Harassment (continued)**

8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

**Training**

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation. (Government Code 12950.1)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

**Notifications**

A copy of the Board of Trustees' policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

**Personnel**

**Sexual Harassment (continued)**

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact the DFEH and EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and EEOC

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Professional Standards**

The Board of Trustees expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the district and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0000 – Philosophy)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Professional Standards**

#### CLASSIFIED EMPLOYEES

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions; therefore, the California School Employees' Association proposes this Code of Ethics as a standard for its members.

#### AS A SCHOOL EMPLOYEE I WILL:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.
2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.
3. Be just in my criticism and be generous in my praise; to improve and not destroy.
4. At all times be courteous in my relations with students, parents, teachers and others.
5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions and finds better ways to do things.
6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.
7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
9. Always uphold my obligations as a citizen to my nation, my state, my school district and my community, and give them unswerving loyalty.
10. Always bear in mind that the purpose of CSEA is to promote the efficiency and raise the standards of all school employees and that I shall be equally obligated to assist all my fellow workers.



## **Personnel**

### **Dress and Grooming**

The Board of Trustees believes that since teachers serve as role models, they should maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

The Board encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities. The Superintendent or designee shall be responsible for evaluating and supervising the appropriateness of employee dress in accordance with the agreement with the Lowell Joint Education Association and the California School Employees Association #294 as depicted in AR 4119.22 (a) and (b)

#### **Legal Reference:**

##### **EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel – Dress and Grooming**  
**LOWELL JOINT SCHOOL DISTRICT SUPERINTENDENT’S**  
**OFFICE**  
**Memorandum**

October 10, 2000

TO: All Certified & Classified Staff, Noon Duty Aides

FROM: Ron Randolph, Superintendent  
Cyndie Dember, President LJE  
Ronnie Mayer, President CSA

RE: Standards of Dress for Employees

Our Board of Trustees has requested that professional standards of dress consistently be observed by all employees who deal directly with students and the public, including parents. They, as we, are convinced that the manner in which we as professional staffs dress imparts a message regarding the importance of the work we do with students. Professional standards to us means that our daily attire reflects an image of businesslike, casual yet functional apparel that is dignified and appropriate for the type of service we perform.

In general, we are pleased and proud of the appropriateness of dress displayed by our employees. It needs to be consistent throughout the district.

Obviously, there will be different attire necessary for certain employees, such as maintenance and cafeteria workers and those employees whose unique assignments require more specialized dress. However, for the majority of us whose appearance directly affects our students and the public, professional dress should reflect workplace flexibility with decorum. Special dress for special events (field trips, dress-up days, etc.) are exempted from these standards as determined by the principal or supervisor.

The Board of Trustees and we trust that you will make every effort to respect and implement professional standards. For a more detailed definition of professional standards, please contact your principal and/or supervisor whose responsibility it is to evaluate the appropriateness of employee dress. If there are any questions regarding the acceptability of any particular style of dress, please contact your principal or supervisor.

We are firmly convinced that wearing professional attire will assist in improving the achievement, conduct and dress of our students.

Thank you for your cooperation.

RTR:cs

Cc: Board of Trustees  
Principal

## GUIDELINES FOR BUSINESS CASUAL ATTIRE

Effective September 25, 2000

MEN	WOMEN
<p><b>ACCEPTABLE SHIRTS/TOPS</b></p> <p>Short sleeves/Long sleeves Shirts with Collars Polo-style Shirts Banded Collars Jackets/Blazers Crew-neck Sweaters Cardigan Sweaters Vests (with shirts under) Ties T-shirts/Sweatshirts/Shirts with School Name Only</p> <p><b>NOT ACCEPTABLE SHIRTS/TOPS</b></p> <p>Tank-Tops T-shirts (with Imprints) Sleeveless Shirts/Tops Crop Tops/Shirts Un-tucked Shirts with Tails/Oversized Shirts</p>	<p><b>ACCEPTABLE SHIRTS/TOPS</b></p> <p>Short Sleeves (Not T-shirts) Blouses Polo-style Shirts Dress T-shirts Jackets/Blazers Crew-neck Sweaters Cardigan Sweaters/Sweater Sets Vests (with shirts under) Modest Necklines T-shirts/Sweatshirts/Shirts with School Name Only</p> <p><b>NOT ACCEPTABLE SHIRTS/TOPS</b></p> <p>T-shirts (with imprints) Spaghetti Straps Crop Tops/Shirts Low-cut or Tight Tops/Shirts Midriff Strapless</p>
	<p><b>ACCEPTABLE DRESSES/SKIRTS</b></p> <p>Dresses/Skirts (Appropriate Length)</p> <p><b>NOT ACCEPTABLE DRESSES/SKIRTS</b></p> <p>Sun Dresses/Spaghetti Straps Too Tight/Too Short/Too Revealing See-through Materials Spaghetti Straps Skorts/Culottes</p>
<p><b>ACCEPTABLE PANTS</b></p> <p>Dress/Casual Slacks Khaki-style Pants (any color) Dress/Colored Denim</p> <p><b>NOT ACCEPTABLE PANTS</b></p> <p>Blue Jeans Leather/Vinyl Sweat Pants Shorts Carpenter Jeans/Overalls Cut-off Jeans</p>	<p><b>ACCEPTABLE PANTS</b></p> <p>Dress/Casual Slacks Khaki-style Pants (any color) Dress/Colored Denim</p> <p><b>NOT ACCEPTABLE PANTS</b></p> <p>Blue Jeans Leather/Vinyl Sweat Pants Stretch Pants/Leggings Stirrup Pants Shorts Tight Pants Overalls Cut-off Jeans</p>
<p><b>ACCEPTABLE FOOTWEAR</b></p> <p>Dress Shoes Loafers Socks Tennis Shoes Boat Shoes/Topsiders</p> <p><b>NOT ACCEPTABLE FOOTWEAR</b></p> <p>Beach Sandals or Thongs Motorcycle-type Boots Shoes without Socks</p>	<p><b>ACCEPTABLE FOOTWEAR</b></p> <p>Dress Shoes/Pumps Sling-back Shoes Flats/Casual Shoes Loafers Open-back Dress Shoes/Mules Tennis Shoes Boat Shoes/Topsiders</p> <p><b>NOT ACCEPTABLE FOOTWEAR</b></p> <p>Beach Sandals/or Thongs Motorcycle-type Boots</p>

Headwear – Outdoors Only

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Unauthorized Release Of Confidential/Privileged Information**

The Board of Trustees recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

#### **Disclosure of Closed Session Information**

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee shall inform all employees who attend closed sessions of this policy. New employees who may attend closed sessions shall also be informed of this policy.

#### **Other Disclosures**

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

**Personnel**

**Unauthorized Release Of Confidential/Privileged Information (continued)**

- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 5141.4 - Child Abuse Reporting Procedures)
- (cf. 6164.2 - Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal Reference:

EDUCATION CODE

- 35010 Control of district; prescription and enforcement of rules
- 35146 Closed sessions
- 35160 Authority of governing boards
- 44031 Personnel file contents and inspection
- 44932 Grounds for dismissal of permanent employees
- 44933 Other grounds for dismissal
- 45113 Rules and regulations for classified service
- 49060-49079 Pupil records

GOVERNMENT CODE

- 1098 Public officials and employees: confidential information
- 6250-6270 Inspection of public records
- 54950-54963 Brown Act

UNITED STATES CODE, TITLE 20

- 1232g Family Education Rights and Privacy Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Political Activities Of Employees**

The Board of Trustees respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

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

#### Legal Reference:

##### EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

##### GOVERNMENT CODE

3543.1 Rights of employee organizations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Political Activities Of Employees**

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
4. Use district time to urge the passage or defeat of any ballot measure or candidate
5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials on district property
7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

(cf. 6144 - Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time

**Personnel**

**Political Activities Of Employees (continued)**

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time.

**Employee Organizations**

Employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054)

(cf. 4140/4240 - Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Duties of Personnel**

The Board of Trustees recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118/4318 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

#### Legal Reference:

##### EDUCATION CODE

- 233.5 Duty concerning instruction in morals, manners, citizenship
- 35020 Duties of employees fixed by governing board
- 35035 Further powers and duties of superintendent
- 44014 Report of assault
- 44662 Job responsibilities for certificated non-management personnel
- 44805 Enforcement of course of studies, use of textbooks, rules and regulations
- 44807 Duty concerning conduct of pupils
- 44809 School register
- 44816 Annual report of elementary teacher
- 45100.5-45108.7 Senior management of the classified service
- 45109 Fixing of duties
- 45110 Inconsistent duties, compensation
- 45256.5 Senior management of classified service

**Personnel**

**Duties of Personnel (continued)**

GOVERNMENT CODE

7293 Local public agencies; bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of library personnel

UNITED STATES CODE, TITLE 42

12101 - 12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employees With Infectious Disease**

The Board of Trustees encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

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

(cf. 4030 - Nondiscrimination in Employment)

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

#### Legal Reference:

##### CIVIL CODE

56-56.37 Confidentiality of medical information

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

##### CODE OF REGULATIONS, TITLE 2,

7293.5 et seq.

##### UNITED STATES CODE, TITLE 29

701-797a Rehabilitation Act of 1993

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Exposure Control Plan for Bloodborne Pathogens**

As part of its commitment to provide a safe and healthful work environment, the Board of Trustees recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials.

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

#### Legal Reference:

##### LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Universal Precautions**

In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Trustees requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)  
(cf. 5141.1 - Accidents)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.23 - Infectious Disease Prevention)  
(cf. 5141.24 - Specialized Health Care Services)  
(cf. 5141.6 - Student Health and Social Services)  
(cf. 6145.2 - Athletic Competition)

#### Legal Reference:

##### HEALTH AND SAFETY CODE

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

##### CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Teacher Aides/Paraprofessionals**

Paraprofessionals support student learning by providing assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

(cf. 1240 - Volunteer Assistance)

(cf. 4200 - Classified Personnel)

(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.

Paraprofessionals should be under the immediate supervision and direction of certificated personnel.

In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The Superintendent or designee shall ensure that all paraprofessionals receive regular performance assessments. Teachers should receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

(cf. 4131 - Staff Development)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4215 - Evaluation/Supervision)

(cf. 4231 - Staff Development)

**Personnel**

**Teacher Aides/Paraprofessionals (continued)**

Legal Reference:

EDUCATION CODE

44390-44393 California School Paraprofessional Teacher Training Program

44833 Postsecondary students as nonteaching aides

44835 Duties of nonteaching work study aides

45330 Paraprofessionals

45340-45349 Instructional aides

45350-45354 Teacher assistants

45360-45367 Teacher aides

54480-54486 Special Teacher Employment Programs

CODE OF REGULATIONS, TITLE 5

12065-12070 Teacher aides for Special Teacher Employment Programs

UNITED STATES CODE, TITLE 20

6311 State plans

6314 Schoolwide programs

6315 Targeted assistance schools

6318 Parent involvement

6319 Qualifications for teachers and paraprofessionals

CODE OF FEDERAL REGULATIONS, TITLE 34

200.58-200.59 Qualifications and duties of paraprofessionals

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Teacher Aides/Paraprofessionals**

#### Qualifications and Duties of Paraprofessionals

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing and mathematics skills. (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a proficiency test in another district shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

#### Additional Qualifications and Duties of Paraprofessionals in Title I Programs

cf. 6171 - Title I Programs)

Paraprofessionals shall have met at least one of the following criteria: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Completed at least two years of study (48 semester units or equivalent quarter units) at an institution of higher education
2. Obtained an associate's degree or higher
3. In a manner other than receipt of a high school diploma, met a rigorous standard of quality and demonstrated, through a locally determined assessment, knowledge of and the ability to assist in instructing either:
  - a. Reading, writing and mathematics
  - b. Reading readiness, writing readiness and mathematics readiness



## **Personnel**

### **Teacher Aides/Paraprofessionals (continued)**

A paraprofessional who was hired on or before January 1, 2003 shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing and mathematics. (Education Code 45330)

When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional: (20 USC 6319; 34 CFR 200.58; Education Code 45330)

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator
2. Whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318

Paraprofessionals working in a program supported by Title I funds may be assigned to: (20 USC 6319; 34 CFR 200.59)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher
2. Assist with classroom management, such as organizing instructional and other materials
3. Provide assistance in a computer laboratory
4. Conduct parental involvement activities
5. Provide support in a library or media center
6. Act as a translator
7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher

**Personnel**

**Teacher Aides/Paraprofessionals (continued)**

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal requirements regarding qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Publication or Creation of Materials**

The Board of Trustees recognizes that district employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (Education Code 60076, 17 USC 201)

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

#### Legal Reference:

##### EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee worktime

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

##### LABOR CODE

2870-2872 Inventions made by an employee

##### UNITED STATES CODE, TITLE 17

201 Federal copyright law

201a Federal copyright law

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Travel and Reimbursement**

The Board of Trustees shall pay all actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district. Funds expended shall not exceed those budgeted by the Board of Trustees for these purposes. The Board may authorize an advance of funds to cover necessary expenses.

The Board of Trustees shall approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget.

The Board of Trustees may reimburse employees for the use of their own vehicles in the performance of regularly assigned duties. The Board may establish an allowance for such use on either a mileage or monthly basis.

The Board of Trustees, under the provisions of Education Code 44032, delegates authorization to the Superintendent to approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget. Meetings not previously budgeted for shall be approved on an individual basis by the Board of Trustees. All conference attendance of staff must be recommended by the immediate supervisor and approved by the Superintendent.

The Superintendent is authorized to approve the reimbursement of actual and necessary expenses for attendance at meetings and conferences by employees of the Lowell Joint School District provided that:

5. Such meeting or conference shall relate directly to the duties of the employee.
6. Attendance is recommended by the employee's immediate supervisor.
7. Funds have been budgeted for conference expenses.
8. Funds expended shall not exceed the amount budgeted by the Board of Trustees.

A semiannual report of conference attendance and expenses may be presented to the Board of Trustees at the second regular meeting in January and July.

The Superintendent will submit the following certification to the County with each warrant issued for the above purposes:

**Personnel**

**Travel and Reimbursement (continued)**

“I hereby certify that this claim meets the provisions of Education Code Section 44032 and is for actual and necessary expenses in accordance with adopted resolution or policies of the Board of Trustees of the Lowell Joint School District. The supporting receipts and documents are on file in the District and available for review. Funds expended do not exceed the amount previously budgeted for such purposes by the Board of Trustees.”

(cf.. 3350 – Business)

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44033 Automobile allowance

44576 Remuneration of trainees (employees in staff development projects)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Soliciting and Selling**

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

(cf. 1325 - Advertising and Promotion)  
(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 4137 - Tutoring)  
(cf. 5022 - Student and Family Privacy Rights)

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

(cf. 5125.1 - Release of Directory Information)

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

(cf. 3312.2 - Educational Travel Program Contracts)

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Legal Reference:  
EDUCATION CODE  
51520 Prohibited solicitations on school premises

Policy Adopted: March 23, 1987  
Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Nonschool Employment**

The Board of Trustees recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 - Solicitation of Funds from and by Students)

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

(cf. 4135 - Soliciting and Selling)

(cf. 4137 - Tutoring)

(cf. 9270 - Conflict of Interest)

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action. Appeals shall be addressed in accordance with law, Board policy and administrative regulations.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.1 - Civil and Legal Rights)

(cf. 4144/4244/4344 - Complaints)

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

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

##### GOVERNMENT CODE

1126 Incompatible activities of employees

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Bargaining Units**

The Board of Trustees recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district.

The Board expects reciprocal negotiating in good faith and recognizes the rights of employees and employee organizations. As required by law, the Board shall negotiate only with the exclusive representative of each bargaining unit.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4143/4243 - Negotiations/Consultation)

Employees shall not be intimidated, restrained, coerced or discriminated against, either by the district or by employee organizations, because of their membership or nonmembership in an employee organization.

Legal Reference:  
GOVERNMENT CODE  
3540-3549.3 Educational Employment Relations Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Concerted Action/Work Stoppage**

The Board of Trustees recognizes the importance of maintaining positive relations with employees, employee organizations, parents/guardians and community members throughout the collective bargaining process. In the event of an impasse in negotiations, the Board shall make a good faith effort to reach an agreement with the employee organization through participation in state mediation and fact-finding procedures.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4143/4243 - Negotiations/Consultation)

During any threatened or actual withholding of services, the Board should keep parents/guardians and community informed about the status of district negotiations, the educational program and safety measures that have been taken by the district.

When feasible, the Board desires to keep schools operating during any work stoppage. The Superintendent or designee shall take steps necessary in order to help ensure the safety of students, staff and district property during a work stoppage. Such steps shall be reported to the Board as soon as possible.

The Board recognizes that preparation is necessary to reduce disruption during a work stoppage and to ensure that students receive the education to which they are entitled. When imminent, the Superintendent or designee shall develop a written plan that shall delineate actions to be taken in the event of a strike or threatened strike. The plan shall include specific responsibilities of the Board and district staff, plans to maintain district operations, appropriate student instruction and supervision, as well as communication and safety issues.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 1100 - Communications with the Public)  
(cf. 1112 - Media Relations)  
(cf. 9000 - Role of the Board)

The Board believes that employees shall be held accountable for their behavior during any labor dispute. The district may take disciplinary action against employees, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

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

**Personnel**

**Concerted Action/Work Stoppage (continued)**

Legal Reference:

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

37200-37202 Instructional days

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3543.5-3543.6 Unfair labor practices

3548-3548.8 Impasse procedures

INSURANCE CODE

10116 Employee continuation of insurance coverage

UNITED STATES CODE, TITLE 29

1161-1169 Continuation coverage and additional standards for group health plan

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Concerted Action/Work Stoppage**

#### Maintenance of District Operations

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

(cf. 6111 - School Calendar)

#### Strike Plan

When imminent, the Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

(cf. 3512 - Equipment)

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

**Personnel**

**Concerted Action/Work Stoppage (continued)**

(cf. 6144 - Controversial Issues)

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation.

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, he/she shall be entitled to continued payment as long as he/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Negotiations/Consultation**

The Board of Trustees is legally responsible for negotiating with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

(cf. 4140/4240 - Bargaining Units)

In reaching agreements on employee contracts, the Board should balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

(cf. 4141/4241 - Collective Bargaining Agreement)

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall designate the Superintendent as chief negotiator who may establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Superintendent Board with the bargaining team shall establish standards of conduct pertaining to the negotiations process and members of the bargaining team. Board meetings related to negotiations are not subject to state open meeting laws and shall be held in closed session. Matters discussed in these meetings shall be kept in strict confidence.

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

(cf. 9010 - Public Statements)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Public Notice - Personnel Negotiations**

Because the Board of Trustees has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated.

- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

### **Public Notice**

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public meeting and shall thereafter be public records. (Government Code 3547)

- (cf. 1340 - Access to District Records)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

### **Public Disclosure**

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including but not limited to the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

**Personnel**

**Public Notice - Personnel Negotiations (continued)**

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Complaints**

The Board of Trustees recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

#### Legal Reference:

##### GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296 Definitions

53297 Filing complaint

53298 Reprisals

53298.5 Violations; punishment

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Complaints**

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.
3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

**Personnel**

**Complaints (continued)**

INFORMAL COMPLAINTS

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

FORMAL COMPLAINT PROCEDURE - STEP 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event, which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

FORMAL COMPLAINT PROCEDURE - STEP 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

FORMAL COMPLAINT PROCEDURE - STEP 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2.

**Personnel**

**Complaints (continued)**

All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Sessions Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## Personnel

### Health And Welfare Benefits

#### Retired Certificated Employees

The district's health and welfare benefit plan and dental care benefit plan provided for certificated employees shall permit enrollment by any former certificated employee who retired under any public retirement system and to his/her spouse. In addition, the plan shall be available to any surviving spouse of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. In addition, the Superintendent or designee shall annually select a one-month period during which former employees or their spouses may elect to enroll in the health or dental plan or change their enrollment from one plan to another. (Education Code 7000)

If a retired certificated employee or surviving spouse fails to enroll during the initial enrollment period, further opportunity to do so may be denied. A person who has previously received but then voluntarily terminated coverage also may be excluded from obtaining further coverage. (Education Code 7000)

#### Continuation of Coverage

Qualified district employees, their spouses and/or their dependent children shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (26 USC 4980B; Health and Safety Code 1366.23; Insurance Code 10128.53)

1. The death of a covered employee
2. The termination other than by reason of the employee's gross misconduct or reduction in hours of the covered employees employment

(cf. 4117.4 - Dismissal)

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

3. The divorce or legal separation of a covered employee
4. A covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of a covered employee

## **Personnel**

### **Health And Welfare Benefits**

The Superintendent or designee shall notify the plan administrator when a qualifying event has occurred, except that a qualified beneficiary or covered employee shall notify the plan administrator regarding a change in dependent child status, or a divorce or legal separation, within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B)

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (26 USC 4980B; Health and Safety Code 1366.23)

Continuation coverage shall apply as provided by law and by the district's insurance.

However, a former employee who worked for the district for at least ten years and who is age 55 or older on the date employment ends, or his/her spouse or former spouse, may continue benefits until he/she reaches age 65.

### **Disability Insurance**

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy or nonoccupational illness or injury. (Unemployment Insurance Code 2613)

(cf. 4161 - Leaves)

(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness and Injury Leave)

(cf. 4361 - Leaves)

When disabled by an injury resulting from a violent act sustained while performing their job duties, certificated and classified employees may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

### **Legal Reference:**

#### **EDUCATION CODE**

7000-7008 Health and welfare benefits, retired certificated employees

35208 Liability insurance

35214 Liability insurance (self-insurance)

**Personnel**

**Health And Welfare Benefits**

Legal Reference: (continued)

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

**GOVERNMENT CODE**

22156 Medicare coverage for school district employees

22751-22883 Public Employees' Medical and Hospital Care Act

22858 Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans

22859 Participation in Medicare reimbursement program

53200-53210 Group insurance, especially:

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

**HEALTH AND SAFETY CODE**

1366.20-1366.28 Cal-COBRA program, health insurance

1373.621 Continuation coverage, age 60 or older after five years with district

**INSURANCE CODE**

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.58 Cal-COBRA program, disability insurance

**UNEMPLOYMENT INSURANCE CODE**

2613 Education program; notice of rights and benefits

**UNITED STATES CODE, TITLE 26**

4980B Failure to satisfy continuation coverage

**UNITED STATES CODE, TITLE 29**

1161-1168 COBRA continuation coverage

**UNITED STATES CODE, TITLE 42**

1395-1395ggg Medicare benefits

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Work-Related Injuries**

The Board of Trustees desires to provide its employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process in order to reduce costs and facilitate employee recovery.

(cf. 3320 - Claims and Actions Against the District)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)  
(cf. 4154/4254/4354 - Health and Welfare Benefits)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 4157.2/4257.2/4357.2 - Ergonomics)  
(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)

An employee shall report any work-related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate.

The Superintendent or designee should endeavor that every new employee is notified of his/her right to receive workers' compensation if injured at work and that injured employees are given notice of rights in accordance with law.

The Superintendent or designee should endeavor that notifications regarding workers' compensation are posted in accordance with law.

#### Legal Reference:

##### EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

##### LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

##### CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Security**

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - Suspension/Disciplinary Action)

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

### **Reporting of Injurious Objects**

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal



**Personnel**

**Employee Security (continued)**

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144. - Discipline)

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

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

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

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion Grounds for suspension or expulsion

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

**Personnel**

**Employee Security (continued)**

Legal Reference: (continued)

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

**WELFARE AND INSTITUTIONS CODE**

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Security**

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

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

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

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

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

#### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

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

**Personnel**

**Employee Security (continued)**

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

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Leaves**

The Board of Trustees shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation and collective bargaining agreements.

The Board recognizes the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child.
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee's home or property; and other personal emergencies
6. Vacations for classified staff and certificated management staff, as applicable
7. Jury duty or required court appearances
8. Religious observances
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4131 - Staff Development)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.3 - Professional Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

**Personnel**

**Leaves (continued)**

- (cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4231 - Staff Development)
- (cf. 4261.1 - Personal Illness/Injury Leave)
- (cf. 4261.11 - Industrial Accident/Illness Leave)
- (cf. 4261.3 - Professional Leaves)
- (cf. 4331 - Staff Development)
- (cf. 4361 - Leaves)

Long-Term Leaves

With Board approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level as that held at the time leave was granted, unless otherwise agreed upon.

The Board may consider any written request by an employee to return to work prior to the expiration date of the leave.

Legal Reference:

EDUCATION CODE

- 44036 Leaves of absence for judicial and official appearances
- 44037 Unlawful to encourage exemption from jury duty
- 44842 Failure to provide notice or to report to work
- 44940 Sex offenses and narcotic offenses; compulsory leave of absence
- 44962-44988 Leaves of absence (certificated)
- 45190-45210 Leaves of absence (classified)

GOVERNMENT CODE

- 3543.2 Scope of representation

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Leaves**

#### Disability Leave

The Board of Trustees may grant a leave of absence to any certificated employee who has applied for disability benefits, not to exceed 30 days beyond final determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave shall be extended for the term of the disability, but not more than 39 months. (Education Code 44986)

#### Return to Service After Leaves

By May 30 of each school year, the clerk or secretary of the Board may request any certificated employee on leave of absence to notify the district, in the manner described in Education Code 44842, of his/her intention to remain in service with the district the following school year. (Education Code 44842)

Following a request by the district to give notice in the manner described in Education Code 44842, an employee who is on leave of absence for 20 or more consecutive working days after April 30 of any school year may have his/her employment terminated if: (Education Code 44842)

1. The employee, without good cause, fails to notify the district by July 1 that he/she intends to remain in service the following school year.
2. The employee, without good cause and without being granted a leave of absence, fails to report for duty at the beginning of the next school year for 20 consecutive days after being notified at least five days in advance of the time and place at which to report to work.

(cf. 4117.4 - Dismissal)

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

#### Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personal Illness/Injury Leave**

Full-time classified employees are entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the time they work. (Education Code 45191)

(cf. 4161/4261 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

An employee may take sick leave at any time during the year, even if credit for sick leave has not yet been accrued. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the district. (Education Code 45191)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45195)

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

A classified employee who leaves the district after at least one year of employment and accepts employment in another district or county office of education within one year shall have transferred with him/her the total amount of accumulated sick leave. This provision shall not apply to employees whose employment is terminated due to action initiated by the district for cause. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 45202)

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

Sick leave may be used by a classified employee for:



## Personnel

### Personal Illness/Injury Leave (continued)

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (Education Code 45199)
2. Absences due to pregnancy, childbirth and recovery (Education Code 45193)  
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
3. Cases of personal necessity (Education Code 45207)  
(cf. 4161.2/4261.2/4361.2 - Personal Leaves)
4. Medical or dental appointments, in increments of not less than one hour  
(cf. 4261.11 - Industrial Accident/Illness Leave)
5. Illness of the employee's child, parent, spouse, up to the amount of sick leave that would be accrued during six months (Labor Code 233)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district by not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

### Sick Leave Beyond 12 Days

After an employee has exhausted all paid leave, he/she shall receive his/her regular salary minus the amount actually paid to any substitute employed to fill the position. The employee is entitled to this differential pay for a period up to five months. (Education Code 45196)

After a permanent employee who is absent because of nonindustrial accident or illness has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she shall be so notified in writing and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave.

**Personnel****Personal Illness/Injury Leave (continued)**

When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

**Verification Requirements**

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and at district expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

**Personnel**

**Personal Illness/Injury Leave (continued)**

Legal Reference:

**EDUCATION CODE**

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

**LABOR CODE**

233 Illness of child, parent, spouse or domestic partner

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Industrial Accident/Illness Leave**

Leave of absence for industrial accidents or illnesses shall be provided to classified employees who have served in the district continuously for at least three years.

In each fiscal year, allowable leave for any single industrial accident or illness shall be for 60 working days. (Education Code 45192)

(cf. 4113.4/4213.4/4313.4 - Temporary/Modified Light-Duty Assignment)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161/4261 - Leaves)

Allowable leave shall not accumulate from year to year. (Education Code 45192)

When a classified employee is absent from his/her duties because of an industrial accident or illness: (Education Code 45192)

1. Industrial accident or illness leave shall start on the first day of absence.
2. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
4. If an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee shall use personal illness and injury leave as provided by Education Code 45191. If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary. (Education Code 45192)

(cf. 4261.1 - Personal Illness/Injury Leave)

**Personnel**

**Industrial Accident/Illness Leave (continued)**

During any paid leave of absence, the employee shall endorse to the district the workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. (Education Code 45192)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45192)

When all available leaves of absence, paid or unpaid, have been exhausted and the employee is not medically able to assume the duties of his/her position, the employee shall be placed either in another position or on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list and has been medically released for return to duty, but fails to accept an appropriate assignment, shall be dismissed. (Education Code 45192)

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

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 45192)

During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee. (Education Code 45192)

Legal Reference:

EDUCATION CODE

45191 Leave of absence for illness or injury

45192 Industrial accident and illness leaves for classified employees

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personal Leaves**

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### **Personal Necessity**

Employees may use their accrued sick leave during each contract year for reasons of personal necessity as per the CSEA contract. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave are stipulated in the collective bargaining agreements. Employees not covered by a collective bargaining agreement may be granted the same leave benefits as other employees.

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

## **Personnel**

### **Personal Leaves (continued)**

Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. For certificated employees, advance permission also shall not be required in cases involving the serious illness of a member of the employee's immediate family. (Education Code 44981, 45207)

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

### **Legal Duties**

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees once every three years.

Employees shall be granted personal necessity leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons and subpoenas for court appearances shall be submitted to the district office when requesting leave.

### **Leaves for Crime Victims**

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence

## **Personnel**

### **Personal Leaves (continued)**

occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The supervisor and Superintendent or designee shall keep any records pertaining to the employee's absence from work. (Labor Code 230.2)

### **Leaves for Victims of Domestic Violence or Sexual Assault**

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment. (Labor Code 230, 230.1)

### **Service on Education Boards, Committees and State or Employee Organizations**

Employees may be granted paid leaves for service performed within the state on any education boards, commissions, committees or groups authorized by Education Code 44987.3 or statute as approved by the Superintendent or designee. (Education Code 44987.3)



**Personnel**

**Personal Leaves (continued)**

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances

44963 Power to grant leaves of absence (certificated)

44981 Leave of absence for personal necessity (certificated)

44985 Leave of absence due to death in immediate family (certificated)

45190 Leaves of absence and vacations (classified)

45194 Bereavement leave of absence (classified)

45198 Effect of provisions authorizing leaves of absence

45207 Personal necessity (classified)

LABOR CODE

233 Illness of child, parent or spouse

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005; August 5, 2013

## **Personnel**

### **Military Leave**

Military leave shall be granted in accordance with law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.91, 38 USC 4301, 4303, 4316)

(cf. 4161/4261 – Leaves)

(cf. 4361 – Leaves)

An employee who needs to be absent from the district to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312)

An employee's cumulative length of the absence and of all previous military leave shall not exceed five years, excluding those training and service obligations specified in 38 USC 4312. (38 USC 4312)

### **Compensation**

An employee shall receive his/her salary or compensation for the first 30 days of an absence for military leave if he/she:

1. Is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
  - a. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
  - b. He/she has been employed by the district for at least one year immediately prior to the day the military leave begins.
2. Has served with the district for at least one year and is ordered, on other than a temporary basis, into active military duty as a member of the reserve corps of the United States Armed Forces, National Guard or Naval Militia or otherwise is

## **Personnel**

### **Military Leave (continued)**

- inducted, enlisted, entered, ordered or called into active duty as a member of the Armed Forces (Military and Veterans Code 389, 395, 395.02)
3. Is a member of the National Guard, however long employed by the district, who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty (Military and Veterans Code 39501)
  4. Is a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia who is engaged in temporary inactive duty training, provided that he/she has been employed by the district for at least one year immediately prior to the day the military leave begins

In determining length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be counted.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

The 30-day pay entitlement is the maximum allowance that shall be paid for any one military leave or during any one fiscal year, unless otherwise authorized by the Board of Trustees pursuant to Military and Veterans Code 395.03 or Education Code 44018.

During the period of military leave, an employee may, but is not required to, use any vacation or similar paid leave accrued before the commencement of the military leave. (38 USC 4316)

### **Benefits**

An employee may elect to continue his/her health coverage during the leave. For employees making this election after December 10, 2004, the maximum period of coverage for the employee and his/her dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317)

## **Personnel**

### **Military Leave (continued)**

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317)

Upon approval by the Board, any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization may receive, for up to 180 days, all benefits that the employee would have received if he/she had not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

### **Vacation and Sick Leave Accrual**

An employee on temporary military leave, including an employee described in item #1 in the section entitled "Compensation" above shall continue to accrue the same vacation, sick leave or holiday privileges for up to a maximum period of 180 days, provided he/she has been employed by the district for at least one year immediately prior to beginning the leave. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency or United Nations military or policy operation shall not accrue sick leave or vacation leave during the period of such leave. However, an employee who is a National Guard member on active duty for the purposes described in item #3 in the section entitled "Compensation" above shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence.. (Military and Veterans Code 395.1, 395.05)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

## **Personnel**

### **Military Leave (continued)**

#### Employment Status

Absence for military leave shall not affect the classification of any certified employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800\_

(cf. 4116 – Probationary/Permanent Status)

#### Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service has occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System and Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

#### Reinstatement Rights

At the conclusion of the military duty, an employee shall be entitled to return to the position held at the beginning of the military leave, at the salary to which he/she would otherwise have been entitled, provided that the employee was not separated from military service with a disqualifying discharge or under other than honorable conditions. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313)

An employee who performs active military duty in time of war or national emergency or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement in inactive duty. Reemployment rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service. (Education Code 44800, Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows: (38 USC 4312)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full calendar day following the completion of military service

## Personnel

### Military Leave (continued)

2. For a leave of 31 to 180 days, the employee shall complete an application for reemployment not later than 14 days after the completion of military service
3. For a leave of more than 180 days, the employee shall submit an application for reemployment within 90 days after the completion of military service

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reemployment at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service. (38 USC 4312)

An employee failing to apply for reemployment within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the Board's rules governing unexcused absences. (38 USC 4312)

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he/she is qualified. (Military and Veterans Code 395, 395.1)

An employee may not be reemployed if the district's circumstances have so changed as to make such reemployment impossible or unreasonable; if the accommodation, training or effort described in 38 USC 4313(a)(3), (a)(4) or (b)(2)(B) would impose an undue hardship on the district; or if the employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312)

The Superintendent or designee shall provide employees a notice of the rights, benefits and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

#### Legal Reference:

##### EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty - computation of salary

##### GOVERNMENT CODE

**Personnel**

**Military Leave (continued)**

**Personnel**

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definition of temporary military leave

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4333 Uniformed Services Employment and Reemployment Rights Act of 1994

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Family Care And Medical Leave**

#### Eligibility

The district shall grant family care and medical leave of a minimum of 12 work weeks during any 12-month period, to eligible employees, for the following reasons:  
(Government Code 12945.2; 29 USC 2601)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. To care for the employee's child, parent or spouse with a serious health condition.
3. Because of the employee's own serious health condition that makes him/her unable to perform the functions of his/her position. However, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

The district shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave.  
(Government Code 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

#### Definitions

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2)

Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

Instructional employee means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education



## **Personnel**

### **Family Care And Medical Leave (continued)**

assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

#### **Rights to Reinstatement and Maintenance of Benefits**

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's work site
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

## **Personnel**

### **Family Care And Medical Leave (continued)**

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

(cf. 4317.3 - Personnel Reduction)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Terms of Leave

This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. (Government Code 12945, 12945.2)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. Accrued sick leave may be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261 - Leaves)

## **Personnel**

### **Family Care And Medical Leave (continued)**

#### Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the district may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

#### Request for Family Care and Medical Leave

An employee shall request family care and medical leave in writing, at least 30 days before the commencement date of the leave. If the leave becomes necessary less than 30 days before its commencement, the employee shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

In every case in which the necessity for the leave is foreseeable based on planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

#### Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent or spouse with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

## Personnel

### Family Care And Medical Leave (continued)

If the district doubts the validity of a certification that accompanies a request for leave, the district may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the district may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. (29 USC 2613; Government Code 12945.2)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in the preceding paragraph. (29 USC 2613; Government Code 12945.2)

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

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

### Records

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

### Legal Reference:

#### GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

#### CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

#### UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

#### CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## Personnel

### Family Care And Medical Leave

#### YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

#### REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

- \* to care for the employee's child after birth, or placement for adoption or foster care;
- \* to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- \* for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

#### ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- \* The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- \* An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

**Personnel**

**Family Care And Medical Leave (continued)**

JOB BENEFITS AND PROTECTION

\* For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

\* Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

\* The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

FOR ADDITIONAL INFORMATION

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

## **Personnel**

### **Catastrophic Leave Program**

When a catastrophic illness or injury incapacitates an employee or a member of his/her family for an extended period of time and the employee has exhausted all paid leaves of absence, other employees may donate accrued vacation and/or sick leave credits to that employee under the specific requirements of the district's catastrophic leave program.

Donations made under the catastrophic leave program shall be strictly voluntary.

(cf. 4161/4261 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 4361 - Leaves)

Legal Reference:

EDUCATION CODE

44043.5 Catastrophic leave

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Catastrophic Leave Program**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than 80 hours or 20 full days.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Management, Supervisory And Confidential Personnel**

The Board of Trustees shall adopt policies related to management, supervisory and confidential personnel insofar as they are needed to comply with law and describe circumstances of employment within the district.

The Board may, by resolution, establish or abolish positions designated as senior management of the classified service.

#### Legal Reference:

##### EDUCATION CODE

35031 Term of employment

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions

45108.5 Definitions of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45128 Overtime

45130 Exclusion from overtime provisions

45256.5 Designation of certain positions

##### GOVERNMENT CODE

3540.1 Definitions

3543.4 Management position; representation

3545 Appropriateness of unit; basis

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Management, Supervisory And Confidential Personnel**

Management, supervisory and confidential positions are generally classified as follows:  
(Government Code 3540.1)

1. Management and supervisory employees are those having significant responsibilities for formulating district policies or administering district programs and who serve in a position which the Board of Trustees has legally designated as a management position.
2. Confidential employees are those who are required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

#### Senior Management of the Classified Service

A senior management employee is either a fiscal advisor to the Superintendent or an employee in the highest position not requiring certification in a principal district program area, with districtwide responsibility for formulating policy or administering the program.  
(Education Code 45108.5)

Employees designated as senior management are part of the classified service and shall have the same rights, benefits and duties except the right to permanent status in these positions. (Education Code 45100.5)

(cf. 4312.1 - Contracts)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Legal Status Requirement**

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

Note: Employers may be subject to fines and/or imprisonment if they fail to request evidence of employment eligibility or if they knowingly hire undocumented workers.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with administrative regulation.

#### Legal Reference:

UNITED STATES CODE, TITLE 8

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Legal Status Requirement**

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows continuing employment eligibility. (8 CFR 274a.2)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Contracts**

In order to attract and retain qualified staff, the Governing Board may employ certificated administrators and supervisors and senior management of the classified staff on a contract basis.

(cf. 4313.1 - Load/Scheduling/Hours of Employment)

(cf. 4313.2 - Promotion/Demotion/Reassignment)

(cf. 4314 - Transfers)

Contracts with the Superintendent and, if any, with the deputy, assistant or associate superintendent shall be ratified at an open Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. Contracts with these administrators may not be for more than four years. (Education Code 35031; Government Code 53262)

(cf. 2121 - Superintendent's Contract)

The Board may elect not to offer multiyear contracts to certificated supervisors or administrators other than the Superintendent or deputy, assistant or associate superintendent.

Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

If the Board decides not to reelect or reemploy the Superintendent, a deputy, associate or assistant superintendent, or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)

#### Legal Reference:

##### EDUCATION CODE

35030 Title of deputy, associate or assistant superintendent for certain positions

35031 Term of employment

44842 Automatic declining of employment

44843 Notice of employment (to county superintendent)

44929.20 Continuing contract

44951 Continuation in position unless notified

##### GOVERNMENT CODE

53260-53264 Employment contracts

## **Personnel**

### **Oath Or Affirmation**

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 9224 - Oath or Affirmation)

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

(cf. 4121 - Temporary/Substitute Personnel)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

**Personnel**

**Oath Or Affirmation**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

(Signature)

Certified by:

(Person who administers the oath)

## **Personnel**

### **Health Examinations**

#### New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

#### Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Board of Trustees may require continuing employees to undergo tuberculosis tests when requested by the local health officer.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41 - Employees with Infectious Disease)

#### Legal Reference:

##### EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

##### CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Health Examinations**

#### New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An X-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
  - b. By having the last employing school verify that it has on file a current certificate which contains that showing.
2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of pre-employment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

#### Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

**Personnel**

**Health Examinations (continued)**

Tuberculosis tests and other medical examinations required by the Superintendent or designee shall be administered by a physician licensed under the Business and Professions Code and shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

**Food Service Workers**

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any district cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Drug Testing**

The Board of Trustees maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

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

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

#### **Pre-Employment Drug/Alcohol Testing**

Once a conditional offer of employment has been made, prospective employees shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

All medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

44839 Medical certificate; periodic medical examination

45122 Physical examinations

##### **GOVERNMENT CODE**

8350-8357 Drug-free workplace

12940 Unlawful employment practices

##### **CODE OF REGULATIONS, TITLE 5**

5504 Medical certification procedures

##### **UNITED STATES CODE, TITLE 41**

701-707 Drug-Free Workplace Act

##### **UNITED STATES CODE, TITLE 20**

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

Policy Approved: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Drug Testing**

#### Pre-Employment Drug/Alcohol Screening

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district.

To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Governing Board policy and administrative regulation. The district shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Superintendent or designee is presented with a court order requiring the disclosure.

If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test shall be conducted at the district's expense.

Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district, but must submit the results of a new test at their expense.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Criminal Record Check**

#### Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c).

(cf. 4112 - Appointment and Conditions of Employment)  
(cf. 4112.2 - Certification)

However, a certificated employee may be hired by the district, without obtaining a criminal record summary, if that employee became a permanent employee of another school district as of October 1, 1997. (Education Code 44830.1)

(cf. 4121 - Temporary/Substitute Personnel)

#### Temporary Certificate of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code 44332.6)

#### Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

**Personnel**

**Criminal Record Check (continued)**

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee without regard to any other procedure for termination specified in the Education Code or district procedures. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.5 Registering certificates by certain districts

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

**Personnel**

**Criminal Record Check (continued)**

Legal Reference:

(continued) PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personnel Records**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

Personnel files shall be reviewed and replaced within the shortest time possible.

Files for District Police/Security Officers

(cf. 3515.3 - District Police/Security Department)

Placement of Material in Personnel Files

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)



## **Personnel**

### **Personnel Records (continued)**

#### Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5141.4 - Child Abuse Reporting Procedures)

#### File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall: (Labor Code 1198.5)

2. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee
2. Schedule a review of the records at a time that does not conflict with the employee's regular duties, if possible

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

## **Personnel**

### **Personnel Records (continued)**

The Superintendent or designee shall not be required to make available to the employee:  
(Labor Code 1198.5, Education Code 44031)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

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

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

#### **File Review by Management and Board**

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

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

**Personnel**

**Personnel Records (continued)**

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records  
44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment References**

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. Only letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he gives shall provide a complete account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

#### Legal Reference:

##### LABOR CODE

1050-1054 Reemployment privileges

##### CIVIL CODE

47 Privileged communication

##### CODE OF CIVIL PROCEDURE

527.3 Labor disputes

##### CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Employment References**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employment Of Relatives**

Note: Government Code 12940 authorizes employers to reasonably regulate the working of spouses in the same department for reasons of supervision, safety, security or morale. However, school districts are precluded from adopting a blanket policy prohibiting the employment of spouses in the same department. The following policy should be revised as desired to reflect district practice.

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## Personnel

### Employment of Relatives

The following regulations shall govern conflict of interest in the employment of staff:

5. A Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's spouse or children as long as the Board member's interest in the contract is disclosed to the Board, and, thereafter, when the Board authorizes, approves or ratifies the contract by a vote sufficient for the purpose. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract. (Government Code 1091)
6. A Board member shall not be deemed to be interested in a contract between the Board member's spouse and the district, provided the Board member's spouse has been employed by the district for at least one year prior to the Board member's selection or appointment. (Government Code 1091.5)
7. Persons related by blood or marriage to a district employee should not be appointed to positions where the district employee maintains supervisory or evaluation responsibilities for the position.
8. Members of the same family may be employed at the same department or work location upon written approval by the Superintendent or his designated representative.

It is the intent of these rules to avoid any situation wherein there can arise a conflict of interest either on the part of a member of the Board of Trustees or a member of the administrative staff.

#### Legal Reference:

##### GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1130 Incompatible activities

12940 Unlawful employment practices exceptions

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 et seq. Conflicts of Interest

87200 et seq. Disclosure

87300 et seq. Conflict of Interest Code

91000 et seq. Enforcement

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Notifications**

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

#### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. E 4112.9 – Signed Statement – Child Abuse Reporting Requirements)

2. Oath or affirmation of allegiance required of public employees

(cf. 4112.3 - Oath or Affirmation)

3. Hepatitis B vaccine declination

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

4. Notice of release from position requiring an administrative or supervisory credential

(cf. 4313.2 - Promotion/Demotion/Reclassification)

5. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek

(cf. 4212 - Appointment and Conditions of Employment)

6. Information about certificated employee membership in the State Teachers' Retirement System

(cf. 4117.1 - Retirement)

#### Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace

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



**Personnel**

**Employee Notifications (continued)**

2. The district's nonsmoking policy  
(cf. 3513.3 - Tobacco-Free Schools)
3. Prohibition of sexual harassment  
(cf. 4119.11 - Sexual Harassment)
4. The certificated employee's employment status and salary  
(cf. 4112.1 - Contracts)
5. State disability insurance rights and benefits  
(cf. 4154 - Health and Welfare Benefits)
6. Certificated employee evaluations  
(cf. 4115 - Evaluation/Supervision)  
(cf. 4315 - Evaluation/Supervision)
7. Requirements and information pertinent to emergency teaching or specialist permit applicants  
(cf. 4112.2 - Certification)

Legal Reference:

EDUCATION CODE

- 231.5 Sexual harassment policy
- 22455.5 STRS information to potential members
- 22515 Irrevocable election to join STRS
- 44031 Personnel file contents, inspection
- 44663 Evaluation and assessment; copy to certificated employee
- 44916 Written statement of employment status
- 44949 Cause, notice and right to hearing
- 44951 Continuation in position unless notified
- 45113 Notification of charges
- 45169 Employee salary data

**Personnel**

**Employee Notifications (continued)**

GOVERNMENT CODE 3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

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**Personnel**

**Employee Notifications**

**Signed Statement  
Child Abuse Reporting Requirements**

Section 111.66 of the Penal Code requires any child care custodian, medical practitioner, nonmedical practitioner or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim or a child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

“Child care custodian” includes teachers, administrative officers, supervisor of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; licensees, administrators and employees of community care facilities or child day care facilities licensed to care for children; head start teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; and social workers or probation officers.

“Medical practitioner” includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code or emergency medical technicians I or II, paramedics, or other persons certificated pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, or psychological assistants registered pursuant to Section 2913 of the Business and Professions Code.

“Nonmedical practitioner” includes state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; marriage family or child counselors; and religious practitioners who diagnose, examine or treat children.

I have been informed of the above law and will comply with its provisions.

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(TYPE EMPLOYEE’S NAME BELOW LINE, REQUIRING SIGNATURE ABOVE)

This statement is a permanent record of the Lowell Joint School District. The cost of printing, distribution and filing of these statements is borne by the Lowell Joint School

## **Personnel**

### **Load/Scheduling/Hours of Employment**

The Board of Trustees designates in accordance with law salaried positions which are exempt from overtime. Persons holding these positions work whatever hours are necessary in order to fulfill their assignments. Their positions are set apart from other positions by virtue of the duties, flexibility of hours, salary, benefit structure and authority which they entail.

Employees serving in positions excluded from overtime shall not be unreasonably discriminated against as a result of the exclusion. (Education Code 45130)

#### Legal Reference:

UNITED STATES CODE, TITLE 29

201-216 Fair Labor Standards Act

Department of Labor Relations

CODE OF FEDERAL REGULATIONS, TITLE 29

511-800 Department of Labor Relations

EDUCATION CODE

45130 Exclusion from overtime provisions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Promotion/Demotion/Reclassification**

The Board of Trustees may promote, demote, and reassign management and confidential employees when such action is determined to be in the best interest of the district. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion and reassignment.

(cf. 4317.3 - Personnel Reduction)

Legal Reference:

#### **EDUCATION CODE**

35031 Senior management employee in the classified service: nonreelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44951 Continuation in position unless notified (position requiring administrative or supervisory credential)

45101 Definitions (including disciplinary action, cause)

45113 Rules for classified service in districts not incorporating the merit system

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Promotion/Demotion/Reclassification**

#### Certificated Management and Supervisory Personnel

Certificated employees holding an administrative or supervisory credential may be released and placed in a different position for the following year.

Before May 15, the Board of Trustees shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned to a different position.

By May 15, the employee shall be notified of the Board's action by registered mail or in person. If the notice is presented to the employee in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the written notice. (Education Code 44951)

Before July 1, the Board shall take additional action to bring into effect the release and reassignment of employees who received the above notice.

If the reassignment is to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the reassignment. (Education Code 44896)

#### Classified Management, Supervisory and Confidential Personnel

For personnel in this classification:

"Demotion" means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

"Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory and confidential classified employees shall be reclassified at the discretion of the district subject to provisions of the applicable collective bargaining agreement.

(cf. 4312.1 - Contracts)

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and

## **Personnel**

### **Promotion/Demotion/Reclassification (continued)**

procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (Education Code 45113)

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

The Board shall provide 45 days' notice before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

In initiating the involuntary reassignment of a classified manager, the Superintendent or designee shall provide the classified manager with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassignment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. The hearing shall be recorded by a reporter or tape recording. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.

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Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## Personnel

### Temporary Modified/Light-Duty Assignment

Any employee who suffers a work-related injury shall provide the district with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee may seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

If an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Transfers**

The Superintendent or designee shall assess the needs of the district and place management personnel in positions which will meet those needs.

#### Voluntary Transfer

The Board of Trustees recognizes that management employees may wish to request transfers to vacant positions for which they are qualified in order to promote their professional growth and broaden their management background. The Superintendent or designee shall establish procedures for the transfer of management personnel.

#### Involuntary Transfer

Reasons for an involuntary transfer within an administrator's classification (same job title) may include, but are not limited to, the following:

1. To improve efficiency and accommodate the overall needs of the district
2. To use skills and talents at the management level most effectively
3. To provide opportunities for professional growth
4. To provide an opportunity for evaluating a management employee in a different school or location

Administrators in identical positions shall be subject to rotation of assignments on a lateral basis. With Board approval, the Superintendent or designee shall rotate these administrators at specified intervals.

(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

Policy Approved: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Retirement Consultancy Contracts**

The Board of Trustees recognizes that because of their experience and knowledge of district programs and procedures, retired certificated employees may be uniquely suited to performing specialized work of limited duration.

The Board may offer retirement consultancy contracts to certificated individuals who meet the qualifications required by law and administrative regulation.

#### Legal Reference:

##### EDUCATION CODE

- 22119.5 Creditable service
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22715 Additional service credit
- 22716 Unpaid services
- 24214 Reemployment of retirant
- 24216 Payments to retirants in excess of limitation
- 35046 Consultancy contracts
- 41320.1 Appointment of trustee
- 42120-42128 Budget completion

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Retirement Consultancy Contracts**

Retired certificated employees serving as consultants shall be retained as employees, and their services shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

A retiree employed under this program shall not make contributions to the retirement fund or accrue service credit based on compensation earned from program service. (Education Code 24214)

#### **Emergency Exemptions from Postretirement Compensation Limitation**

A retiree shall be exempt from the above limitation for a maximum period of two years if appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1 or if assigned to a position by the County Superintendent of Schools pursuant to Education Code 42120-42129. (Education Code 24216)

Until January 1, 2008, a retiree shall also be exempt from the above limitation up to an additional one-half of the full-time equivalent for the same position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.

(cf. 4117.13/4317.13 - Early Retirement Option)

When employing a retiree eligible for any of the above exemption, the Superintendent or designee shall submit all required documentation to substantiate this eligibility. (Education Code 24216)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Resignation**

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation that indicates the date that the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's resignation shall become effective on the date set by the Superintendent or designee and may not be withdrawn by the employee. The Board authorizes the Superintendent or designee to accept this written resignation and to set its effective date.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. (Education Code 44930, 45201)

If a certificated employee leaves district service during the school year without obtaining acceptance of his/her resignation, or if he/she leaves before the effective date of the resignation, the Superintendent or designee shall report this fact, with supporting evidence, to the Commission on Teacher Credentialing.

#### Legal Reference:

##### EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Personnel Reduction**

When the district needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Termination Agreements**

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

Legal Reference:

CIVIL CODE

47 Privileged communication

GOVERNMENT CODE

53260-53264 Employment contracts

LABOR CODE

1198.5 Inspection of personnel files by employees

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

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## **Personnel**

### **Civil And Legal Rights**

The Board of Trustees recognizes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the employee's performance of his/her duties.

An employee's religious or political activities, or lack thereof, shall not be grounds for any discrimination or disciplinary action by the district, provided that these activities do not violate law, Board policy or administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes and beliefs; gender, political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

#### **Whistleblower Protection**

An employee shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency. (Education Code 44111, 44112)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

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

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, he/she may also file a copy of the complaint with local law enforcement in accordance with Education Code 44114.

## **Personnel**

### **Civil And Legal Rights (continued)**

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

#### Protection Against Liability

No Board Member or employee shall be liable for harm caused by his/her act or omission when acting within the scope of employment or district responsibilities. For the protection against liability to apply, the act or omission must be in conformity with federal, state and local laws and must be in furtherance of an effort to control, discipline, expel or suspend a student, or to maintain order or control in the classroom or school. (20 USC 6736)

(cf. 3320 - Claims and Actions Against the District)

(cf. 9260 - Legal Protection)

The protection against liability shall not apply when: (20 USC 6736)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety
2. The employee caused harm by operating a motor vehicle
3. The employee was not properly licensed, if required, by state law for such activities
4. The employee was found by a court to have violated a federal or state civil rights law
5. The employee was under the influence of alcohol or any drug at the time of the misconduct
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court
7. The misconduct involved a sexual offense for which the employee has been convicted in a court



**Personnel**

**Civil And Legal Rights (continued)**

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

7050-7058 Political activities of school officers and employees

44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

49091.24 Teacher rights to refuse evaluation/survey of personal life

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12951 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

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

2000h-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Sexual Harassment**

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Informing staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures in order to avoid harm.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, district administrator or Superintendent to obtain procedures for filing a complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

## **Personnel**

### **Sexual Harassment (continued)**

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

##### CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Sexual Harassment**

Prohibited 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 gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body
7. Touching an individual's body or clothes in a sexual way

## **Personnel**

### **Sexual Harassment (continued)**

8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

### **Training**

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation. (Government Code 12950.1)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

### **Notifications**

A copy of the Board of Trustees' policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

**Personnel**

**Sexual Harassment (continued)**

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact the DFEH and EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and EEOC

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Professional Standards**

The Board of Trustees expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the district and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0000 – Philosophy)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Professional Standards**

#### **CALIFORNIA PROFESSIONAL STANDARDS FOR EDUCATIONAL LEADERS**

##### **Preamble**

The administrator(s) at a school site have numerous responsibilities that ultimately lead to the improvement of the performance of all students in the school. By acquiring the skills, attitudes and behaviors as outlined in the following Professional Standards for School Leaders, students have the best opportunity to achieve the mission and vision of the district and to meet the expectations of high standards for student learning.

##### **Standards**

A school administrator is an educational leader who promotes the success of all students by:

1. Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community
2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth
3. Ensuring management of the organization, operations, and resources for a safe, efficient and effective learning environment
4. Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources
5. Modeling a personal code of ethics and developing professional leadership capacity
6. Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context

Source: California Professional Standards for Educational Leaders, 2001



## **Personnel**

### **Dress and Grooming**

The Board of Trustees believes that since teachers serve as role models, they should maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

The Board encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities. The Superintendent or designee shall be responsible for evaluating and supervising the appropriateness of employee dress in accordance with the agreement with the Lowell Joint Education Association and the California School Employees Association #294 as depicted in AR 4119.22 (a) and (b)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel – Dress and Grooming**

**LOWELL JOINT SCHOOL DISTRICT SUPERINTENDENT'S  
OFFICE  
Memorandum**

October 10, 2000

TO: All Certified & Classified Staff, Noon Duty Aides

FROM: Ron Randolph, Superintendent  
Cyndie Dember, President LJE  
Ronnie Mayer, President CSA

RE: Standards of Dress for Employees

Our Board of Trustees has requested that professional standards of dress consistently be observed by all employees who deal directly with students and the public, including parents. They, as we, are convinced that the manner in which we as professional staffs dress imparts a message regarding the importance of the work we do with students. Professional standards to us means that our daily attire reflects an image of businesslike, casual yet functional apparel that is dignified and appropriate for the type of service we perform.

In general, we are pleased and proud of the appropriateness of dress displayed by our employees. It needs to be consistent throughout the district.

Obviously, there will be different attire necessary for certain employees, such as maintenance and cafeteria workers and those employees whose unique assignments require more specialized dress. However, for the majority of us whose appearance directly affects our students and the public, professional dress should reflect workplace flexibility with decorum. Special dress for special events (field trips, dress-up days, etc.) are exempted from these standards as determined by the principal or supervisor.

The Board of Trustees and we trust that you will make every effort to respect and implement professional standards. For a more detailed definition of professional standards, please contact your principal and/or supervisor whose responsibility it is to evaluate the appropriateness of employee dress. If there are any questions regarding the acceptability of any particular style of dress, please contact your principal or supervisor.

We are firmly convinced that wearing professional attire will assist in improving the achievement, conduct and dress of our students.

Thank you for your cooperation.

RTR::cs

Cc: Board of Trustees  
Principal

**GUIDELINES FOR BUSINESS CASUAL ATTIRE**  
**Effective September 25, 2000**

MEN	WOMEN
<p><b>ACCEPTABLE SHIRTS/TOPS</b></p> <p>Short sleeves/Long sleeves            Shirts with Collars            Polo-style Shirts            Banded Collars            Jackets/Blazers            Crew-neck Sweaters            Cardigan Sweaters            Vests (with shirts under)            Ties            T-shirts/Sweatshirts/Shirts with School Name Only</p> <p><b>NOT ACCEPTABLE SHIRTS/TOPS</b></p> <p>Tank-Tops            T-shirts (with Imprints)            Sleeveless Shirts/Tops            Crop Tops/Shirts            Un-tucked Shirts with Tails/Oversized Shirts</p>	<p><b>ACCEPTABLE SHIRTS/TOPS</b></p> <p>Short Sleeves (Not T-shirts)            Blouses            Polo-style Shirts            Dress T-shirts            Jackets/Blazers            Crew-neck Sweaters            Cardigan Sweaters/Sweater Sets            Vests (with shirts under)            Modest Necklines            T-shirts/Sweatshirts/Shirts with School Name Only</p> <p><b>NOT ACCEPTABLE SHIRTS/TOPS</b></p> <p>T-shirts (with imprints)            Spaghetti Straps            Crop Tops/Shirts            Low-cut or Tight Tops/Shirts            Midriff            Strapless</p>
	<p><b>ACCEPTABLE DRESSES/SKIRTS</b></p> <p>Dresses/Skirts (Appropriate Length)</p> <p><b>NOT ACCEPTABLE DRESSES/SKIRTS</b></p> <p>Sun Dresses/Spaghetti Straps            Too Tight/Too Short/Too Revealing            See-through Materials            Spaghetti Straps            Skorts/Culottes</p>
<p><b>ACCEPTABLE PANTS</b></p> <p>Dress/Casual Slacks            Khaki-style Pants (any color)            Dress/Colored Denim</p> <p><b>NOT ACCEPTABLE PANTS</b></p> <p>Blue Jeans            Leather/Vinyl            Sweat Pants            Shorts            Carpenter Jeans/Overalls            Cut-off Jeans</p>	<p><b>ACCEPTABLE PANTS</b></p> <p>Dress/Casual Slacks            Khaki-style Pants (any color)            Dress/Colored Denim</p> <p><b>NOT ACCEPTABLE PANTS</b></p> <p>Blue Jeans            Leather/Vinyl            Sweat Pants            Stretch Pants/Leggings            Stirrup Pants            Shorts            Tight Pants            Overalls            Cut-off Jeans</p>
<p><b>ACCEPTABLE FOOTWEAR</b></p> <p>Dress Shoes            Loafers            Socks            Tennis Shoes            Boat Shoes/Topsiders</p> <p><b>NOT ACCEPTABLE FOOTWEAR</b></p> <p>Beach Sandals or Thongs            Motorcycle-type Boots            Shoes without Socks</p>	<p><b>ACCEPTABLE FOOTWEAR</b></p> <p>Dress Shoes/Pumps            Sling-back Shoes            Flats/Casual Shoes            Loafers            Open-back Dress Shoes/Mules            Tennis Shoes            Boat Shoes/Topsiders</p> <p><b>NOT ACCEPTABLE FOOTWEAR</b></p> <p>Beach Sandals/or Thongs            Motorcycle-type Boots</p>

Headwear – Outdoors Only

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Unauthorized Release Of Confidential/Privileged Information**

The Board of Trustees recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

#### Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

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

The Superintendent or designee shall inform all employees who attend closed sessions of this policy. New employees who may attend closed sessions shall also be informed of this policy.

#### Other Disclosures

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

**Personnel**

**Unauthorized Release Of Confidential/Privileged Information (continued)**

- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 5141.4 - Child Abuse Reporting Procedures)
- (cf. 6164.2 - Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions

35160 Authority of governing boards

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49079 Pupil records

GOVERNMENT CODE

1098 Public officials and employees: confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Political Activities Of Employees**

The Board of Trustees respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

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

#### Legal Reference:

##### EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

##### GOVERNMENT CODE

3543.1 Rights of employee organizations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

**Personnel**

**Political Activities Of Employees**

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
4. Use district time to urge the passage or defeat of any ballot measure or candidate
5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials on district property
7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

(cf. 6144 - Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time

**Personnel**

**Political Activities Of Employees (continued)**

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time.

**Employee Organizations**

Employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054)

(cf. 4140/4240 - Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Duties of Personnel**

The Board of Trustees recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118/4318 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

#### Legal Reference:

##### EDUCATION CODE

- 233.5 Duty concerning instruction in morals, manners, citizenship
- 35020 Duties of employees fixed by governing board
- 35035 Further powers and duties of superintendent
- 44014 Report of assault
- 44662 Job responsibilities for certificated nonmanagement personnel
- 44805 Enforcement of course of studies, use of textbooks, rules and regulations
- 44807 Duty concerning conduct of pupils
- 44809 School register
- 44816 Annual report of elementary teacher
- 45100.5-45108.7 Senior management of the classified service
- 45109 Fixing of duties
- 45110 Inconsistent duties, compensation
- 45256.5 Senior management of classified service

**Personnel**

**Duties of Personnel (continued)**

GOVERNMENT CODE

7293 Local public agencies; bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of library personnel

UNITED STATES CODE, TITLE 42

12101 - 12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employees With Infectious Disease**

The Board of Trustees encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

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

(cf. 4030 - Nondiscrimination in Employment)

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

#### Legal Reference:

##### CIVIL CODE

56-56.37 Confidentiality of medical information

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

##### CODE OF REGULATIONS, TITLE 2,

7293.5 et seq.

##### UNITED STATES CODE, TITLE 29

701-797a Rehabilitation Act of 1993

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Exposure Control Plan for Bloodborne Pathogens**

As part of its commitment to provide a safe and healthful work environment, the Board of Trustees recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials.

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

#### Legal Reference:

##### LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Universal Precautions**

In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Trustees requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.1 - Accidents)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6145.2 - Athletic Competition)

#### Legal Reference:

HEALTH AND SAFETY CODE

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Publication or Creation of Materials**

The Board of Trustees recognizes that district employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (Education Code 60076, 17 USC 201)

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

#### Legal Reference:

##### EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee worktime

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

##### LABOR CODE

2870-2872 Inventions made by an employee

##### UNITED STATES CODE, TITLE 17

201 Federal copyright law

201a Federal copyright law

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Travel and Reimbursement**

The Board of Trustees shall pay all actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district. Funds expended shall not exceed those budgeted by the Board of Trustees for these purposes. The Board may authorize an advance of funds to cover necessary expenses.

The Board of Trustees shall approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget.

The Board of Trustees may reimburse employees for the use of their own vehicles in the performance of regularly assigned duties. The Board may establish an allowance for such use on either a mileage or monthly basis.

The Board of Trustees, under the provisions of Education Code 44032, delegates authorization to the Superintendent to approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget. Meetings not previously budgeted for shall be approved on an individual basis by the Board of Trustees. All conference attendance of staff must be recommended by the immediate supervisor and approved by the Superintendent.

The Superintendent is authorized to approve the reimbursement of actual and necessary expenses for attendance at meetings and conferences by employees of the Lowell Joint School District, provided that:

1. Such meeting or conference shall relate directly to the duties of the employee.
2. Attendance is recommended by the employee's immediate supervisor.
3. Funds have been budgeted for conference expenses.
4. Funds expended shall not exceed the amount budgeted by the Board of Trustees.

A semiannual report of conference attendance and expenses may be presented to the Board of Trustees at the second regular meeting in January and July.

The Superintendent will submit the following certification to the County with each warrant issued for the above purposes:

**Personnel**

**Travel and Reimbursement (continued)**

“I hereby certify that this claim meets the provisions of Education Code Section 44032 and is for actual and necessary expenses in accordance with adopted resolution or policies of the Board of Trustees of the Lowell Joint School District. The supporting receipts and documents are on file in the District and available for review. Funds expended do not exceed the amount previously budgeted for such purposes by the Board of Trustees.”

(cf.. 3350 – Business)

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44033 Automobile allowance

44576 Remuneration of trainees (employees in staff development projects)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Soliciting And Selling**

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

(cf. 1325 - Advertising and Promotion)  
(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 4137 - Tutoring)  
(cf. 5022 - Student and Family Privacy Rights)

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

(cf. 5125.1 - Release of Directory Information)

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

(cf. 3312.2 - Educational Travel Program Contracts)

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Legal Reference:  
EDUCATION CODE  
51520 Prohibited solicitations on school premises

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Nonschool Employment**

The Board of Trustees recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employees' duties, if they entail compensation from an outside source for activities that are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 – Solicitation of Funds from and By Students)

(cf. 4119.21/4219.21/4319.21 – Professional Standards)

(cf. 4135 – Soliciting and Selling)

(cf. 4137 – Tutoring)

(cf. 9270 – Conflict of Interest)

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action. Appeals shall be addressed in accordance with law, Board policy and administrative regulations.

(cf. 4118 – Suspension/Disciplinary Action)

(cf. 4119.1 – Civil and Legal Rights)

(cf. 4144/4244/4344 – Complaints)

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

#### Legal Reference:

##### **EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

##### **GOVERNMENT CODE**

1126 Incompatible activities of employees

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Complaints**

The Board of Trustees recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

#### Legal Reference:

##### GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296 Definitions

53297 Filing complaint

53298 Reprisals

53298.5 Violations; punishment

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Complaints**

The following guidelines shall prescribe the manner in which complaints are handled:

11. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

12. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.

13. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

14. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

15. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

16. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

17. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.

18. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

## **Personnel**

### **Complaints (continued)**

#### INFORMAL COMPLAINTS

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

#### FORMAL COMPLAINT PROCEDURE - STEP 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event, which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

#### FORMAL COMPLAINT PROCEDURE - STEP 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

#### FORMAL COMPLAINT PROCEDURE - STEP 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2.

**Personnel**

**Complaints (continued)**

All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Sessions Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## Personnel

### Health And Welfare Benefits

#### Retired Certificated Employees

The district's health and welfare benefit plan and dental care benefit plan provided for certificated employees shall permit enrollment by any former certificated employee who retired under any public retirement system and to his/her spouse. In addition, the plan shall be available to any surviving spouse of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. In addition, the Superintendent or designee shall annually select a one-month period during which former employees or their spouses may elect to enroll in the health or dental plan or change their enrollment from one plan to another. (Education Code 7000)

If a retired certificated employee or surviving spouse fails to enroll during the initial enrollment period, further opportunity to do so may be denied. A person who has previously received but then voluntarily terminated coverage also may be excluded from obtaining further coverage. (Education Code 7000)

#### Continuation of Coverage

Qualified district employees, their spouses and/or their dependent children shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (26 USC 4980B; Health and Safety Code 1366.23; Insurance Code 10128.53)

1. The death of a covered employee
2. The termination other than by reason of the employee's gross misconduct or reduction in hours of the covered employees employment

(cf. 4117.4 - Dismissal)

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

3. The divorce or legal separation of a covered employee
4. A covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of a covered employee

## **Personnel**

### **Health And Welfare Benefits**

The Superintendent or designee shall notify the plan administrator when a qualifying event has occurred, except that a qualified beneficiary or covered employee shall notify the plan administrator regarding a change in dependent child status, or a divorce or legal separation, within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B)

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (26 USC 4980B; Health and Safety Code 1366.23)

Continuation coverage shall apply as provided by law and by the district's insurance.

However, a former employee who worked for the district for at least ten years and who is age 55 or older on the date employment ends, or his/her spouse or former spouse, may continue benefits until he/she reaches age 65.

#### **Disability Insurance**

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy or nonoccupational illness or injury. (Unemployment Insurance Code 2613)

(cf. 4161 - Leaves)

(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness and Injury Leave)

(cf. 4361 - Leaves)

When disabled by an injury resulting from a violent act sustained while performing their job duties, certificated and classified employees may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

#### **Legal Reference:**

##### **EDUCATION CODE**

7000-7008 Health and welfare benefits, retired certificated employees

35208 Liability insurance

35214 Liability insurance (self-insurance)



**Personnel**

**Health And Welfare Benefits**

Legal Reference: (continued)

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

**GOVERNMENT CODE**

22156 Medicare coverage for school district employees

22751-22883 Public Employees' Medical and Hospital Care Act

22858 Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans

22859 Participation in Medicare reimbursement program

53200-53210 Group insurance, especially:

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

**HEALTH AND SAFETY CODE**

1366.20-1366.28 Cal-COBRA program, health insurance

1373.621 Continuation coverage, age 60 or older after five years with district

**INSURANCE CODE**

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.58 Cal-COBRA program, disability insurance

**UNEMPLOYMENT INSURANCE CODE**

2613 Education program; notice of rights and benefits

**UNITED STATES CODE, TITLE 26**

4980B Failure to satisfy continuation coverage

**UNITED STATES CODE, TITLE 29**

1161-1168 COBRA continuation coverage

**UNITED STATES CODE, TITLE 42**

1395-1395ggg Medicare benefits

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Work-Related Injuries**

The Board of Trustees desires to provide its employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process in order to reduce costs and facilitate employee recovery.

(cf. 3320 - Claims and Actions Against the District)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)  
(cf. 4154/4254/4354 - Health and Welfare Benefits)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 4157.2/4257.2/4357.2 - Ergonomics)  
(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)

An employee shall report any work-related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate.

The Superintendent or designee should endeavor that every new employee is notified of his/her right to receive workers' compensation if injured at work and that injured employees are given notice of rights in accordance with law.

The Superintendent or designee should endeavor that notifications regarding workers' compensation are posted in accordance with law.

#### Legal Reference:

##### EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

##### LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

##### CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## Personnel

### Employee Security

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - Suspension/Disciplinary Action)

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

### Reporting of Injurious Objects

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

**Personnel**

**Employee Security (continued)**

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144. - Discipline)

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

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

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

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion Grounds for suspension or expulsion

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

**Personnel**

**Employee Security (continued)**

Legal Reference: (continued)

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

**WELFARE AND INSTITUTIONS CODE**

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Employee Security**

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

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

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

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

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

#### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

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

**Personnel**

**Employee Security (continued)**

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

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Leaves**

The Board of Trustees shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation and collective bargaining agreements.

The Board may approve the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee's home or property; and other personal emergencies
6. Vacations for classified staff and certificated management staff, as applicable
7. Jury duty or required court appearances
8. Attendance at work-related meetings and staff development opportunities
9. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4131 - Staff Development)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.3 - Professional Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

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

(cf. 4231 - Staff Development)



## **Personnel**

### **Leaves (continued)**

- (cf. 4261.1 - Personal Illness/Injury Leave)
- (cf. 4261.11 - Industrial Accident/Illness Leave)
- (cf. 4261.3 - Professional Leaves)
- (cf. 4331 - Staff Development)
- (cf. 4361 - Leaves)

#### Long-Term Leaves

With Board approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level (but not necessarily location) as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

#### Legal Reference:

##### EDUCATION CODE

- 44036 Leaves of absence for judicial and official appearances
- 44037 Unlawful to encourage exemption from jury duty
- 44842 Failure to provide notice or to report to work
- 44940 Sex offenses and narcotic offenses; compulsory leave of absence
- 44962-44988 Leaves of absence (certificated)
- 45190-45210 Leaves of absence (classified)

##### GOVERNMENT CODE

- 3543.2 Scope of representation

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Leaves**

#### Disability Leave

The Board of Trustees may grant a leave of absence to any certificated employee who has applied for disability benefits, not to exceed 30 days beyond final determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave shall be extended for the term of the disability, but not more than 39 months. (Education Code 44986)

#### Return to Service After Leaves

By May 30 of each school year, the clerk or secretary of the Board may request any certificated employee on leave of absence to notify the district, in the manner described in Education Code 44842, of his/her intention to remain in service with the district the following school year. (Education Code 44842)

Following a request by the district to give notice in the manner described in Education Code 44842, an employee who is on leave of absence for 20 or more consecutive working days after April 30 of any school year may have his/her employment terminated if: (Education Code 44842)

1. The employee, without good cause, fails to notify the district by July 1 that he/she intends to remain in service the following school year.
2. The employee, without good cause and without being granted a leave of absence, fails to report for duty at the beginning of the next school year after being notified at least five days in advance of the time and place at which to report to work.

(cf. 4117.4 - Dismissal)

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

#### Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Personal Illness/Injury Leave**

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

(cf. 4161/4261 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4361 - Leaves)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by a certificated employee for:

1. Cases of temporary inability to perform duties because of illness, accident or quarantine, whether or not the cause of absence arises out of and in the course of employment (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Absences due to pregnancy, miscarriage, childbirth and recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Cases of personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments when not possible to be scheduled outside of work hours.

**Personnel**

**Personal Illness/Injury Leave (continued)**

5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse or spouse's child up to the amount of sick leave that would be accrued during six months (Labor Code 233)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

**Sick Leave Beyond 10 Days**

When a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his/her duties due to illness or accident for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

After five months, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in

## **Personnel**

### **Personal Illness/Injury Leave (continued)**

another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

#### **Verification Requirements**

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and at district expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

**Personnel**

**Personal Illness/Injury Leave (continued)**

Legal Reference:

**EDUCATION CODE**

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44986 Leave of absence for disability allowance applicant

**LABOR CODE**

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

**CODE OF REGULATIONS, TITLE 5**

5601 Transfer of accumulated sick leave

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Industrial Accident/Illness Leave**

In each fiscal year, allowable leave for certificated employees for any single industrial accident or illness shall be for 60 days during which the schools of the district are in session or when the employee would otherwise have been performing work for the district.

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)  
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)  
(cf. 4161/4261 - Leaves)  
(cf. 4361 - Leaves)

Allowable industrial accident/illness leave shall not accumulate from year to year.  
(Education Code 44984)

When a certificated employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44984)

1. Industrial accident or illness leave shall start on the first day of absence.
2. The employee shall be paid such portion of the salary due for any month in which the absence occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
4. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary. (Education Code 44984)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

**Personnel**

**Industrial Accident/Illness Leave (continued)**

During any paid leave of absence, the employee may endorse to the district the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants. (Education Code 44984)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 44984)

Legal Reference:

EDUCATION CODE

44977 Salary deductions during absence from duties

44978 Provisions for certificated employee sick leave

44983 Exception to sick leave

44984 Required rules for industrial accident and illness leave of absence

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005



## **Personnel**

### **Personal Leaves**

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### **Personal Necessity**

Employees may use up to twenty days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave are stipulated in the collective bargaining agreements. Employees not covered by a collective bargaining agreement may be granted the same leave benefits as other employees.

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

## **Personnel**

### **Personal Leaves (continued)**

Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. For certificated employees, advance permission also shall not be required in cases involving the serious illness of a member of the employee's immediate family. (Education Code 44981, 45207)

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

### **Legal Duties**

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees once every three years.

Employees shall be granted personal necessity leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons and subpoenas for court appearances shall be submitted to the district office when requesting leave.

### **Leaves for Crime Victims**

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence

## **Personnel**

### **Personal Leaves (continued)**

occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The supervisor and Superintendent or designee shall keep any records pertaining to the employee's absence from work. (Labor Code 230.2)

### **Leaves for Victims of Domestic Violence or Sexual Assault**

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment. (Labor Code 230, 230.1)

### **Service on Education Boards, Committees and State or Employee Organizations**

Employees may be granted paid leaves for service performed within the state on any education boards, commissions, committees or groups authorized by Education Code 44987.3 or statute as approved by the Superintendent or designee. (Education Code 44987.3)

## **Personnel**

### **Personal Leaves (continued)**

#### Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

#### Legal Reference:

##### EDUCATION CODE

- 44036-44037 Leaves of absence for judicial and official appearances
- 44963 Power to grant leaves of absence (certificated)
- 44981 Leave of absence for personal necessity (certificated)
- 44985 Leave of absence due to death in immediate family (certificated)
- 44987 Service as officer of employee organization (certificated)
- 44987.3 Leave of absence to serve on certain boards, commissions, etc.
- 45190 Leaves of absence and vacations (classified)
- 45194 Bereavement leave of absence (classified)
- 45198 Effect of provisions authorizing leaves of absence
- 45207 Personal necessity (classified)
- 45210 Service as officer of employee organization (classified)

##### GOVERNMENT CODE

- 3543.1 Release time for representatives of employee organizations

##### LABOR CODE

- 230-230.2 Leave for victims of domestic violence, sexual assault or specified felonies
- 230.3 Leave for emergency personnel
- 230.4 Leave for volunteer firefighters
- 230.8 Leave to visit child's school
- 233 Illness of child, parent, spouse, domestic partner or domestic partner's child
- 234 Absence control policy

##### PENAL CODE

- 667.5 Violent felony, defined
- 1192.7 Serious felony, defined

##### CALIFORNIA CONSTITUTION

- Article 1, Section 8 Religious discrimination

##### UNITED STATES CODE, TITLE 42

- 2000d-2000d-7 Title VII, Civil Rights Act of 1964

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Military Leave**

Military leave shall be granted in accordance with law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.91, 38 USC 4301, 4303, 4316)

(cf. 4161/4261 – Leaves)

(cf. 4361 – Leaves)

An employee who needs to be absent from the district to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312)

An employee's cumulative length of the absence and of all previous military leave shall not exceed five years, excluding those training and service obligations specified in 38 USC 4312. (38 USC 4312)

### **Compensation**

An employee shall receive his/her salary or compensation for the first 30 days of an absence for military leave if he/she:

1. Is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
  - a. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
  - b. He/she has been employed by the district for at least one year immediately prior to the day the military leave begins.
2. Has served with the district for at least one year and is ordered, on other than a temporary basis, into active military duty as a member of the reserve corps of the United States Armed Forces, National Guard or Naval Militia or otherwise is

## Personnel

### Military Leave (continued)

- inducted, enlisted, entered, ordered or called into active duty as a member of the Armed Forces (Military and Veterans Code 389, 395, 395.02)
3. Is a member of the National Guard, however long employed by the district, who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty (Military and Veterans Code 39501)
  4. Is a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia who is engaged in temporary inactive duty training, provided that he/she has been employed by the district for at least one year immediately prior to the day the military leave begins

In determining length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be counted.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

The 30-day pay entitlement is the maximum allowance that shall be paid for any one military leave or during any one fiscal year, unless otherwise authorized by the Board of Trustees pursuant to Military and Veterans Code 395.03 or Education Code 44018.

During the period of military leave, an employee may, but is not required to, use any vacation or similar paid leave accrued before the commencement of the military leave. (38 USC 4316)

### Benefits

An employee may elect to continue his/her health coverage during the leave. For employees making this election after December 10, 2004, the maximum period of coverage for the employee and his/her dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317)

## **Personnel**

### **Military Leave (continued)**

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317)

Upon approval by the Board, any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization may receive, for up to 180 days, all benefits that the employee would have received if he/she had not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

### **Vacation and Sick Leave Accrual**

An employee on temporary military leave, including an employee described in item #1 in the section entitled "Compensation" above shall continue to accrue the same vacation, sick leave or holiday privileges for up to a maximum period of 180 days, provided he/she has been employed by the district for at least one year immediately prior to beginning the leave. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency or United Nations military or policy operation shall not accrue sick leave or vacation leave during the period of such leave. However, an employee who is a National Guard member on active duty for the purposes described in item #3 in the section entitled "Compensation" above shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence. (Military and Veterans Code 395.1, 395.05)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

## **Personnel**

### **Military Leave (continued)**

#### Employment Status

Absence for military leave shall not affect the classification of any certified employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800\_

(cf. 4116 – Probationary/Permanent Status)

#### Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service has occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System and Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

#### Reinstatement Rights

At the conclusion of the military duty, an employee shall be entitled to return to the position held at the beginning of the military leave, at the salary to which he/she would otherwise have been entitled, provided that the employee was not separated from military service with a disqualifying discharge or under other than honorable conditions. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313)

An employee who performs active military duty in time of war or national emergency or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement in inactive duty. Reemployment rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service. (Education Code 44800, Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows: (38 USC 4312)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full calendar day following the completion of military service



## **Personnel**

### **Military Leave (continued)**

2. For a leave of 31 to 180 days, the employee shall complete an application for reemployment not later than 14 days after the completion of military service
3. For a leave of more than 180 days, the employee shall submit an application for reemployment within 90 days after the completion of military service

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reemployment at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service. (38 USC 4312)

An employee failing to apply for reemployment within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the Board's rules governing unexcused absences. (38 USC 4312)

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he/she is qualified. (Military and Veterans Code 395, 395.1)

An employee may not be reemployed if the district's circumstances have so changed as to make such reemployment impossible or unreasonable; if the accommodation, training or effort described in 38 USC 4313(a)(3), (a)(4) or (b)(2)(B) would impose an undue hardship on the district; or if the employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312)

The Superintendent or designee shall provide employees a notice of the rights, benefits and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

#### Legal Reference:

##### EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty - computation of salary

##### GOVERNMENT CODE

**Personnel**

**Military Leave (continued)**

**Personnel**

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definition of temporary military leave

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4333 Uniformed Services Employment and Reemployment Rights Act of 1994

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Family Care And Medical Leave**

#### Eligibility

The district shall grant family care and medical leave of a minimum of 12 work weeks during any 12-month period, to eligible employees, for the following reasons: (Government Code 12945.2; 29 USC 2601)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. To care for the employee's child, parent or spouse with a serious health condition.
3. Because of the employee's own serious health condition that makes him/her unable to perform the functions of his/her position. However, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

The district shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave. (Government Code 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

#### Definitions

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2)

Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

Instructional employee means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education

## **Personnel**

### **Family Care And Medical Leave (continued)**

assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

#### **Rights to Reinstatement and Maintenance of Benefits**

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's work site
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

## **Personnel**

### **Family Care And Medical Leave (continued)**

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

(cf. 4317.3 - Personnel Reduction)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Terms of Leave

This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. (Government Code 12945, 12945.2)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. Accrued sick leave may be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261 - Leaves)

## **Personnel**

### **Family Care And Medical Leave (continued)**

#### Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the district may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

#### Request for Family Care and Medical Leave

An employee shall request family care and medical leave in writing, at least 30 days before the commencement date of the leave. If the leave becomes necessary less than 30 days before its commencement, the employee shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

In every case in which the necessity for the leave is foreseeable based on planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

#### Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent or spouse with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

## **Personnel**

### **Family Care And Medical Leave (continued)**

If the district doubts the validity of a certification that accompanies a request for leave, the district may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the district may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. (29 USC 2613; Government Code 12945.2)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in the preceding paragraph. (29 USC 2613; Government Code 12945.2)

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

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

### **Records**

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

### **Legal Reference:**

#### **GOVERNMENT CODE**

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

#### **CODE OF REGULATIONS, TITLE 2**

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

#### **UNITED STATES CODE, TITLE 29**

2601-2654 Family and Medical Leave Act of 1993

#### **CODE OF FEDERAL REGULATIONS, TITLE 29**

825.100-825.800 Family and Medical Leave Act of 1993

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Family Care And Medical Leave**

#### **YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

#### **REASONS FOR TAKING LEAVE**

Unpaid leave must be granted for any of the following reasons:

- \* to care for the employee's child after birth, or placement for adoption or foster care;
- \* to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- \* for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

#### **ADVANCE NOTICE AND MEDICAL CERTIFICATION**

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- \* The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- \* An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.



**Personnel**

**Family Care And Medical Leave (continued)**

JOB BENEFITS AND PROTECTION

\* For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

\* Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

\* The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

FOR ADDITIONAL INFORMATION

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

## **Personnel**

### **Catastrophic Leave Program**

When a catastrophic illness or injury incapacitates an employee or a member of his/her family for an extended period of time and the employee has exhausted all paid leaves of absence, other employees may donate accrued vacation and/or sick leave credits to that employee under the specific requirements of the district's catastrophic leave program.

Donations made under the catastrophic leave program shall be strictly voluntary.

(cf. 4161/4261 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 4361 - Leaves)

Legal Reference:

EDUCATION CODE

44043.5 Catastrophic leave

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; December 5, 2005

## **Personnel**

### **Catastrophic Leave Program**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than 80 hours or 20 full days.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

The District may establish a pool (bank) to which employees may donate unused sick leave (above and beyond 80 hours or 20 full days). In the event that the employee for whom the leave was donated has no further need, it may be placed in the pool (bank). Any employee utilizing the pool (bank) may be credited with a minimum of one (1) day and a maximum of twenty-two (22) workdays in a paid status.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; December 5, 2005

## **Students**

### **Concepts And Roles**

The Board of Trustees shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

(cf. 5113 - Absences and Excuses)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

#### Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35291-35291.5 Rules

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; January 30, 2006

## **Students**

### **Parent Rights And Responsibilities**

The Board of Trustees recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

#### Legal Reference:

##### EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

**Students**

**Parent Rights And Responsibilities (continued)**

Legal Reference: (continued)

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATE CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; January 30, 2006

## **Students**

### **Parent Rights And Responsibilities**

#### Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by parents/guardians, the Superintendent or designee may arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. The principal of the school will determine the day, time, and duration of any parent visitation.

(cf. 3515.2 - Disruptions)

(cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)
3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)
4. To be notified within three (3) or less days of return to school if their child is absent from school without permission (Education Code 51101)

(cf. 5113 - Absences and Excuses)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

**Students**

**Parent Rights And Responsibilities (continued)**

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

(cf. 6162.51 -Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6174 - Education for English Language Learners)

6. To request a particular school for their child and to receive a response from the district (Education Code 51101)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

7. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)

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

(cf. 5124 - Communication with Parents/Guardians)

8. For parents/guardians of English learners, to support their child's advancement toward English literacy (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

9. For parents/guardians, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

10. To have access to the school records of their child (Education Code 51101)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)



**Students**

**Parent Rights And Responsibilities (continued)**

11. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

12. To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Education Code 35291, attendance, retention and promotion policies pursuant to Education Code 48070.5, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 - Visitors/Outsiders)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 5132 - Dress and Grooming)

(cf. 5144 - Discipline)

13. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision. (Education Code 51101)

14. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

## Students

### Parent Rights And Responsibilities (continued)

15. To participate as a member of a parent advisory committee or school site council in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

- (cf. 0420 - School Plans/Site Councils)
- (cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
- (cf. 0420.5 - School-Based Decision Making)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 6171 - Title I Programs)
- (cf. 6175 - Migrant Education Program)

16. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)

- (cf. 5125.3 - Challenging Student Records)

17. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5141.3 - Health Examinations)

### Parent Responsibilities

Parents/guardians may support the learning environment of their children by: (Education Code 51101)

1. Monitoring attendance of their children
2. Ensuring that homework is completed and turned in on time

**Students**

**Parent Rights And Responsibilities (continued)**

(cf. 6154 - Homework/Makeup Work)

3. Encouraging their children to participate in extracurricular and co-curricular activities

(cf. 6145 - Extracurricular and Co-curricular Activities)

4. Monitoring and regulating the television viewed by their children
5. Working with their children at home in learning activities that extend the classroom learning
6. Whenever feasible, volunteering in their children's classroom(s) or for other school activities

(cf. 1240 - Volunteer Assistance)

7. Whenever feasible, participating in decisions related to the education of their own children or the total school program as appropriate

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; January 30, 2006; March 2, 2009

## Students

### Noncustodial Parents

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

(cf. 5125 - Student Records)

(cf. 5142 - Safety)

(cf. 6020 - Parent Involvement)

Upon request, the district may provide noncustodial parents with announcements and notices that are sent to the custodial parent.

When approved by the principal, both parents can visit the child at school, but only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision. Valid court order regarding the rights of the noncustodial may be recognized by the principal. If a conflict exists, the principal may seek the assistance of local law enforcement officials.

(cf. 5141 - Health Care and Emergencies)

In the event of an attempted violation of a court order that restricts access to a student, staff shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

#### Legal Reference:

##### EDUCATION CODE

49061 Definitions

49069 Absolute right to access

##### FAMILY CODE

3025 Parental access to records

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; January 30, 2006

## **Students**

### **Student And Family Privacy Rights**

The Board of Trustees Board believes that personal information concerning district students and their families should be kept private in accordance with law.

- (cf. 0000 - Goals
- (cf. 0100 - Philosophy)
- (cf. 0200 - Goals for the School District)
- (cf. 5020 - Parent Rights and Responsibilities
- (cf. 5021 - Noncustodial Parents)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 6000 - Concepts and Roles)
- (cf. 6162.8 - Research)

#### Collection of Personal Information for Marketing Purposes

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

#### Legal Reference:

EDUCATION CODE

49450-49457 Physical examinations

49602 Confidentiality of pupil information

51513 Personal beliefs

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Students**

### **Student And Family Privacy Rights**

#### Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

#### Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student submits to a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.8 - Research)

## **Students**

### **Student And Family Privacy Rights (continued)**

#### Exceptions to Collection of Personal Information

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. Book clubs, magazines, and programs providing access to low-cost literary products
2. Curriculum and instructional materials used by elementary and secondary schools
3. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
4. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

5. Student recognition programs

(cf. 5126 - Awards for Achievement)

#### Parent/Guardian Access to Surveys and Instructional Materials

(cf. 5020 - Parent Rights and Responsibilities)

#### Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

**Students**

**Student And Family Privacy Rights (continued)**

(cf. 5131.61 - Drug Testing)  
(cf. 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005



## **Students**

### **Student Wellness**

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program by promoting healthy eating and physical activity for District students. The superintendent or designee may support a coordinated school health program that reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

To encourage consistent health messages between the home and school environment, the superintendent or designee may disseminate health information and/or the District's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

#### **School Health Council/Committee**

The Board's policy related to student wellness may be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives, and members of the public.

The superintendent or designee may support a school health council or other committee consisting of representatives of the above groups to advise the District on health-related issues, activities, policies, and programs. The council or committee may also include district administrators, health professionals, school nurses, health educators, physical education teachers, counselors, and/or others interested in school health issues. At the discretion of the Superintendent or designee, the council's charges(s) may include the planning and implementation of activities to promote health within the school or community.

#### **Nutrition Education and Physical Activity Goals**

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines appropriate.

The District nutrition education and physical education programs shall be based on research, consistent with the expectations established the State's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be integrated into core academic subjects during school hours.

## **Students**

### **Student Wellness (continued)**

The Board of Trustees prohibits the marketing and advertising on non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.

All students in grades K – 8 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. The Board prohibits the marketing and advertising of non-nutritious foods and beverages.

#### **Nutrition Guidelines for Foods Available at School**

For all foods available on each school site during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 and support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b).

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promotes optimal health, taking into consideration the needs of students with special dietary needs. Nutritional standards adopted by the district for all foods and beverages sold to students shall meet or exceed state and federal nutrition standards.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the District's nutrition education program by considering nutritional quality when selecting any snacks, which they may donate for occasional class parties. Occasional class parties or celebrations shall be held after the lunch period whenever possible.

## Students

### Student Wellness (continued)

#### Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758 (f)(1), 1766(a), and 1779(a) and (b), as they apply to schools.

In order to maximize the District's ability to provide nutritious meals and snacks, all District schools shall participate in available federal school nutrition programs, including the National School Lunch Program to the extent possible.

#### Program Implementation and Evaluation

The Superintendent shall designate at least one person within the District who is charged with operational responsibility for ensuring implementation of this policy.

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U. S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

To determine whether the policy is being effectively implemented districtwide and at each district school, the following indicators may be used:

1. Number of minutes of physical education instruction offered at each grade span
2. Results of the State's Physical Fitness Test
3. An analysis of the nutritional content of meals served based on a sample of menus
4. Student participation rates in school meal programs
5. Percentage of students participating in the Free and Reduced Lunch Program
6. Feedback from nutrition service personnel, school administrators, parents/guardians, students, teachers, and/or other appropriate persons
7. Any other indicators recommended by the superintendent and approved by the Board of Trustees

#### Posting Requirements

Each school shall post the District's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code Section 49432)

## **Students**

### **Student Wellness (continued)**

The District's policies and regulations on nutrition and physical activity shall be posted on the District's website.

#### Legal Reference:

##### EDUCATION CODE

33350-33354 CDE Responsibilities Regarding Physical Education  
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School Meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act  
49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49561 Meals for needy students  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act  
51210 Course of Study, Grades 1-6  
51220 Course of Study, Grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51795-51796.5 School Instructional Gardens  
51880-51921 Comprehensive Health Education

##### CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs  
UNITED STATES CODE, TITLE 42  
1751-1769 National School Lunch Program, especially:  
1758b Note Local wellness policy  
1771-1791 Child Nutrition Act, including:  
1773 School Breakfast Program  
1779 Rules and regulations, Child Nutrition Act

##### CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
220-1-220-21 National School Breakfast Program

##### COURT DECISIONS

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

**Students****Student Wellness (continued)**

## Management Resources:

## CSBA PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

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

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

Physical Education and California Schools, Policy Brief, revised October, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource guide, rev. April 2006

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

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

Healthy Children Ready to Learn, January 2005

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

## CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

## CENTERS FOR DISEASE CONTROL PUBLICATIONS

Making It Happen: School Nutrition Success Stories, 2005

## NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE)

## PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

## U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guideline for Americans, 2005

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School

Nutrition Environment: A Guide to Local Action, 2000

## WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Centers for Disease Control and Prevention (CDC): <http://www.cdc.gov>

Center for Collaborative Solutions: <http://www.cscenter.org>

## Students

### Student Wellness (continued)

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

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

National School Boards Association: <http://www.nsba.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture: [http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)

### Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

Policy Adopted: May 8, 2006

Policy Revised: June 18, 2012; October 15, 2012; April 23, 2018

## Students

### Admission

The Board of Trustees believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school.

The Superintendent or designee shall maintain procedures which provide for the verification of all entrance requirements specified in law and in Board policies and regulations.

- (cf. 5111.1 - District Residency)
- (cf. 5111.11 - Residency of Students in Foster Care)
- (cf. 5111.12 - Residency Based on Parent/Guardian Employment)
- (cf. 5111.13 - Residency for Homeless Children)
- (cf. 5119 - Students Expelled from Other Districts)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)

#### Legal Reference:

##### EDUCATION CODE

- 46600 Agreements for admission of pupils desiring inter-district attendance
- 48000 Minimum age of admission (kindergarten)
- 48002 Evidence of minimum age required to enter kindergarten or first grade
- 48010 Minimum age of admission (first grade)
- 48011 Admission from kindergarten or other school; minimum age
- 48050-48053 Nonresidents
- 48200 Children between ages of 6 and 18 years (compulsory full-time education)
- 48221 Physical or mental condition
- 49076 Access to records by persons without written consent or under judicial order
- 49408 Information of use in emergencies

##### HEALTH AND SAFETY CODE

- 120325-120380 Immunization against communicable disease
- 121475-121520 Tuberculosis tests for pupils

##### CODE OF REGULATIONS, TITLE 5

- 200 Promotion from kindergarten to first grade
- 201 Admission to high school

##### CODE OF REGULATIONS, TITLE 17

- 6000-6075 School attendance immunization requirements

##### UNITED STATES CODE, TITLE 20

- 11431-11435 McKinney Homeless Assistance Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Students**

### **Admission**

#### Age of Admission

Proof of age shall be required of all enrolling students. The legal evidences of age, in order of desirability, are a birth certificate, baptismal certificate, passport, immigration certificate, Bible record, or affidavit from the parent/guardian.

A child who will reach the age of five on or before December 2 of the school year shall be eligible for enrollment in kindergarten at the beginning of that school year or at any later time in the same year. (Education Code 48000)

A child who will have reached the age of six years on or before December 2 of the current school year shall be eligible for enrollment in the first grade. (Education Code 48010)

#### Early Entry to Kindergarten

A child who becomes five years old after December 2 may be admitted into kindergarten, with parental approval, at any time after his/her fifth birthday during the school year when the Superintendent or designee determines on a case-by-case basis that such admittance is in the child's best interests.

The Superintendent or designee shall provide parents/guardians with information as to the effects, advantages and disadvantages of early entry into kindergarten. (Education Code 48000)

Any student currently enrolled in a Lowell Joint School District pre-school who attains five (5) years of age may be eligible for enrollment in kindergarten on a case by case basis as determined by the Superintendent or designee.

Classroom space must be available and the class size cap specified by the Superintendent or designee may not be exceeded.

(cf. 5123 - Promotion/Acceleration/Retention)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005



**Students**

**District Residency**

Criteria for Residency

Prior to admission in district schools, students shall provide proof of residency.

(cf. 5111 - Admission)

A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)

(cf. 5111.13 - Residency for Homeless Children)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is an elementary school student whose parent/guardian or grandparent is an employee of the Lowell Joint School District. (Education Code 48204)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

## **Students**

### **District Residency (continued)**

8. The student was enrolled on a previous interdistrict agreement.
9. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

### **Proof of Residency**

The Superintendent or designee may retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification. (5 CCR 432)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements including but not limited to home visitations by the Superintendent or designee. (Education Code 48204.6)

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following: (Education Code 48204.6)

1. Property tax payment receipts
2. Rent Payment Receipts
3. Utility service payment receipts
4. Notarized declaration of residency executed by the student's parent/guardian

## **Students**

### **District Residency (continued)**

#### Admission for Nonresidents

A student commuting from an adjacent state may be admitted if the Superintendent or designee enters into an agreement, either with the parent/guardian or with the Board of Trustees of the district in the adjacent state, providing for the payment of tuition sufficient to reimburse the total cost of educating the student. (Education Code 48050-48052)

#### Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment.

#### Legal Reference:

##### EDUCATION CODE

35351 Assignment of students to particular schools

48050-48053 Nonresidents

48200-48204 Persons included (compulsory education law)

48204.5 Districts adjacent to international border

48204.6 Evidence of residency

48206.3-48208 Students with temporary disability

48980 Notification of parent or guardian

52317 Admission of persons including nonresidents to attendance area

##### FAMILY CODE

6550-6552 Caregivers

##### GOVERNMENT CODE

6205-6211 Confidentiality of residence for victims of domestic violence

##### CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

##### CODE OF REGULATIONS, TITLE 22

87001 Definitions

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005

## **Students**

### **Residency of Students with Caregiver**

Students shall qualify as district residents if placed within the district in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law. (Education Code 48204)

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified by the Superintendent or designee.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades.

(cf. 5145.6 - Parental Notifications)

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

(cf. 5141 - Health Care and Emergencies)

Caregivers and foster parents shall receive a copy of all school notices.

(cf. 5111.1 - District Residency)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Student)

#### **Legal Reference:**

##### **EDUCATION CODE**

35351 Assignment of students to particular schools

42920-42925 Educational services

48200-48204 Persons included (compulsory education law)

56028 Parent

56050 Surrogate parent

##### **FAMILY CODE**

6550-6552 Caregivers

##### **GOVERNMENT CODE**

7579.5 Surrogate parent

**Students**

**Residency of Students with Caregiver (continued)**

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 22

87001 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.517 Surrogate Parent

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005

## **Students**

### **Residency For Homeless Children**

Homeless students living in the district shall be admitted to district schools upon presentation of any of the following:

1. Hotel or motel receipts
2. A letter from a social service agency or homeless shelter verifying that the student lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district

Whenever possible, the district shall secure an address, phone number and medical release from the parent/guardian when a student is placed in a classroom.

(cf. 5125 - Student Records)

(cf. 5141.31 - Immunizations)

(cf. 6173 - Education for Homeless Children)

#### Legal Reference:

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005

## **Students**

### **Exemptions From Attendance**

The Board of Trustees may grant exemptions from compulsory attendance to students as allowed by law and in the best interest of the student.

Exemptions shall not be used to remove students who are disciplinary problems. Suspension, expulsion, transfer to alternative programs and other administrative measures shall be used with these students.

- (cf. 5112.2 - Exclusions from Attendance)
- (cf. 5112.3 - Student Leave of Absence)
- (cf. 5113.2 - Work Permits)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6158 - Independent Study)
- (cf. 6183 - Home and Hospital Instruction)

#### Legal Reference:

##### EDUCATION CODE

- 33190 Affidavit by persons conducting private school instruction
- 46113 Minimum schoolday for grades four through eight
- 48200-48341 Compulsory education law
- 48400 Weekly minimum attendance requirement
- 48410 Persons exempted from continuation classes

##### LABOR CODE

- 1295.5 Employment of minors; performance of sports-attending services
- 1394 Employment of minors

##### UNITED STATES CODE, TITLE 20

- 1681 - 1688 Title IX, Discrimination

##### UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act of 1973

##### CODE OF FEDERAL REGULATIONS, TITLE 34

- 106.40 Marital or parental status

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Students**

### **Exclusions from Attendance**

Students may be excluded from attendance at district schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)

(cf. 5111 - Admission)

2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/ guardian's religious beliefs. (Health and Safety Code 120335, 120365)

(cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495 and 121505)

(cf. 5141.26 - Tuberculosis Testing)

4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)
5. Have not had a health screening before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Child Health and Disability Prevention Program)

6. Have filthy or vicious habits, or suffer from contagious or infectious diseases. (Education Code 48211, 5 CCR 202)

The Board of Trustees shall periodically review its decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases. (Education Code 48214)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.33 - Head Lice)



**Students**

**Exclusions from Attendance (continued)**

The Superintendent or designee is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because: (Education Code 48213)

- a. He/she resides in an area subject to quarantine.
- b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.
- c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

However, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120325-120380 Educational and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005

## **Students**

### **Open/Closed Campus**

#### Closed Campus

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

Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

(cf. 5144 - Discipline)

#### Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Students**

### **Absences and Excuses**

The Board of Trustees believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - Truancy)

#### **Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations. (Education Code 46010, 48216, 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

(cf. 5145.6 - Parental Notifications)

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

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

(cf. 6154 - Homework/Makeup Work)

**Students**

**Absences and Excuses (continued)**

Legal Reference: EDUCATION

CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; May 1, 2017

## **Students**

### **Absences and Excuses**

#### Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointments (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family (Education Code 48205)
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/ daughter-in-law, brother, sister or any relative living in the student's immediate household. (Education Code 45194, 48205)
5. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including but not limited to: (Education Code 48205)
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observation of a holiday or ceremony of his/her religion
  - d. Attendance at religious retreats not to exceed four hours per semester
6. Participation in religious instruction or exercises in accordance with district policy: (Education Code 46014)

**Students**

**Absences and Excuses (continued)**

- a. In such instances, the student shall attend at least the minimum school day
- b. The student shall be excused for this purpose on no more than four days per school month

**Method of Verification**

When students who have been absent return to school, they shall present a satisfactory explanation verifying the reason for the absence. A student must clear any absence within three (3) or less days of return to school. Unverified absences will be considered as truancy. The following methods may be used to verify student absences:

1. Written note from parent/guardian, parent representative, or student if 18 or older. (Education Code 46012)
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative.
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; March 2, 2009; May 1, 2017

## Students

### Truancy

To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

(cf. 5113 - Absences and Excuses)  
 (cf. 5147 - Dropout Prevention)  
 (cf. 5149 - At-Risk Students)  
 (cf. 6164.5 - Student Study Teams)  
 (cf. 6176 - Weekend/Saturday Classes)

In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.

(cf. 1020 - Youth Services)  
 (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Habitually truant students may be referred to a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263.

#### Legal Reference:

##### EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)  
 37223 Weekend classes  
 41601 Reports of average daily attendance  
 46000 Records (attendance)  
 46010-46014 Absences  
 46110-46119 Attendance in kindergarten and elementary schools  
 46140-46147 Attendance in junior high and high schools  
 48200-48208 Children ages 6-18 (compulsory full-time attendance)  
 48240-48246 Supervisors of attendance

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Students**

### **Truancy**

An attendance supervisor or designee, peace officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person so arresting or assuming temporary custody shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264)

(cf. 3515.3 - District Police/Security Department)  
(cf. 5113 - Absences and Excuses)

Upon receiving a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341, the Superintendent or district attendance supervisor shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent or designee shall refer such parent/guardian to an administrative panel. (Education Code 48290, 48291, 48292)

#### Strategies for Addressing Truancy

The following steps shall be implemented based on the number of truantries committed by the student:

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent or designee. (Education Code 48260)

The parent/guardian of a student classified as a truant shall be notified of the following:  
(Education Code 48260.5)

- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- d. Alternative educational programs are available in the district.



**Students**

**Truancy (continued)**

(cf. 6181 - Alternative Schools)

(cf. 6182 - Opportunity School/Class/Program)

- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.
- g. The student may be subject to suspension and/or expulsion.

(cf. 5145.6 - Parental Notifications)

Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (Education Code 48264.5)

(cf. 5125 - Student Records)

The Superintendent or designee may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant and the name and address of the student's parents/guardians. (Education Code 48260.6)

Upon a student's first truancy, the student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

- 2. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days. (Education Code 48261)

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below. (Education Code 48264.5)

(cf. 6176 - Weekend/Saturday Classes)

## **Students**

### **Truancy (continued)**

In addition, an appropriate district staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance.

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

(cf. 6158 - Independent Study)

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee may notify the district attorney and/or probation officer whether the student continues to be classified as a truant after the parents have been notified in accordance with #1a-h above. (Education Code 48260.6)

3. Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant. (Education Code 48262, 48264.5)

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)

Upon making a referral to the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the probation officer to consider a proper disposition of the referral. (Education Code 48263)

If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer, if the district attorney or probation officer has elected to participate in a truancy mediation program. (Education Code 48263)

4. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

**Students**

**Truancy (continued)**

If a student has been judged by the county juvenile court to be a habitual truant, the Superintendent or designee shall inform the juvenile court and the student's probation or parole officer whenever that student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation. (Education Code 48267)

**Reports**

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court. (Education Code 48273)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005

## **Students**

### **Work Permits**

The Board of Trustees recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. However, the Board also believes that outside employment should not interfere with students' educational progress nor impair their health. In accordance with law, students must obtain work permits from school authorities before accepting employment.

The Superintendent or designee shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain satisfactory grades.

#### Legal Reference:

##### EDUCATION CODE

48231 Entrance into attendance area within 10 school days of end of term

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49164 Inspection; cancellation or revocation

##### LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Students**

### **Work Permits**

#### Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent or residential shelter services provider has filed a written request with the district. (Education Code 49110)
2. To help in determining the extent to which outside employment may be approved, the Superintendent or designee may:
  - a. Inspect the student's records for evidence of satisfactory grades and attendance
  - b. Confer with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation and maturity to maintain academic progress while working
3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records.
4. The Superintendent or designee shall revoke a student's work permit whenever he determines that employment is impairing the student's health or education. (Education Code 49164)

#### Permits to Work Part Time When School Is in Session

1. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Education Code 49112, 49116)

If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)
2. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week, provided that: (Education Code 49112)

**Students**

**Work Permits (continued)**

- a. The student has been identified by the district as a potential dropout, and
- b. The student is participating in an employment program that is conducted on school premises and sponsored by one or more school districts to foster student appreciation of the importance of education in preparing for future employment and education.

**Permits to Work When School Is Not in Session**

Students 12 through 17 years of age may receive a permit to work on a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term. (Education Code 49111)

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005



## Students

## BP 5116.1 (a)

### Intradistrict Enrollment

The Board of Trustees of the Lowell Joint School District (LJSD), in alignment with the LJSD Core Values, endorse the concept of the neighborhood school. School attendance boundaries are established by the Board to, among other things, optimize the use of existing facilities, avoid overcrowding conditions, maintain local neighborhood identities, give consideration to geographic barriers, establish and maintain balance in schools and programs, and maintain safe and reasonable walking conditions and distance to and from schools. The Board desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

- (cf. 5117 - Interdistrict Attendance)
- (cf. 5117.1 - Interdistrict Attendance Agreements)
- (cf. 5117.2 - Alternative Interdistrict Attendance Program)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

- (cf. 5111.1 - District Residency)
- (cf. 5111.11 - Residency of Students with Caregiver)
- (cf. 5111.13 - Residency for Homeless Children)

### Enrollment Priorities

Consideration for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

- (cf. 0520.2 - Title I Program Improvement Schools)
- (cf. 6171 - Title I Programs)
- (cf. 0450 - Comprehensive Safety Plan)

2. If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as *persistently dangerous*, he/she shall be provided an option to transfer to another district school. (20 USC 7912)

- (cf. 0450 – Comprehensive Safety Plan)

## Students

## BP 5116.1 (b)

### Intradistrict Enrollment (continued)

3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist
  - b. A court order, including a temporary restraining order and injunction
4. Priority may be given to siblings of students already in attendance in that school.
  5. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee may use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions may not be based on a student's academic and/or social performance. Academic performance may be used to determine eligibility for, or placement in, programs for Horizons (GATE/High Achieving) students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

### Terms and Conditions

Transfer students and their parents/guardians are expected to follow all applicable District policies, procedures and regulations, and all school rules. An Intradistrict transfer may be revoked at any time for violating the conditions stipulated in the administrative regulation. (cf. 5116 - School Attendance Boundaries)



**Students**  
**Intradistrict Enrollment (continued)**

**BP 5116.1 (c)**

Transportation

The district is not obligated to provide transportation for students who attend school outside their attendance area. The Superintendent or designee may authorize transportation contingent upon available space and funds.

GENERAL PROVISIONS, INTRADISTRICT TRANSFERS

The principal may recommend student transfers within the District for one or more of the following reasons:

1. Administrative Transfer
2. Return to School of Residence There are special situations in which it is determined by the site Principal to be in the best interest of a student that he/she be transferred to a different school within the District. There may be a conflict with another student that after mediation the issue has not been resolved and one or both of the students will benefit from a change of schools. There may be personal reasons shared by the student/parent/guardian with the Principal that lead the Principal to determine that a change of schools is appropriate. This permission is granted only by the site Principal and/or Superintendent.
3. The District offers the Open Enrollment process to allow students living within the boundaries of the entire school District to annually select their school of attendance. In January of each school year, the student and their parent/guardian submit the application for selection of their school of attendance for the subsequent school year. (See District Open Enrollment Policy\*). Once the process is complete, the student's new school of attendance becomes the school of attendance for the entire school year. Should there be a "change of heart" by the student and/or parent/guardian, the parent/guardian may submit, in writing to the Principal, a request to be allowed to return to the original school of residence at the next quarter, based on proof of residence. The request may not be for a transfer to any other school within the District. It will be at the discretion of the Principal to grant permission.
4. Discipline Administrative Transfer (in lieu of recommendation for expulsion)  
The District understands that from time to time students make poor choices, which could result in expulsion (per Education Code 48900) from all schools within the District. Under the concept of Restorative Practices and Progressive Discipline, the Principal may recommend a Discipline Administrative Transfer as an option before recommending expulsion. A discipline transfer may be used once during a given school year. If the student continues with subsequent poor behavior, the student may face the expulsion process.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

## **Students**

**BP 5116.1 (d)**

### Legal Reference:

#### EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

#### UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

Policy Adopted: March 23, 1987

Policy Revised: Sept. 26, 2005; October 2, 2023



## Students

## AR 5116.1 (a)

### Intradistrict Open Enrollment

#### Choice of School

The Lowell Joint School District is committed to providing the best educational program for all the pupils in the District. We recognize that each child is an individual whose educational program may be enhanced by attending a school other than his neighborhood school of residence. The Board of Trustees hereby adopts a policy of intradistrict attendance that affords parents an opportunity of enrolling their child in any school of the District. The primary purpose of this policy is to allow parents of kindergarten through sixth grade students to choose a particular style within the existing options available, pending space available. The policy includes the following provisions:

1. Requests for intradistrict attendance must be initiated by parents at the school of residence. Forms for this purpose are available at any school office.
2. Parents requesting intradistrict attendance should first discuss the request with the principal of the school of residence.
3. Requests will be honored whenever possible, provided that;
  - a. Space is available at the class and/or grade at the school of request;
  - b. Where space is limited, preference will be given to pupils residing in the existing attendance area;
  - c. When limitations need to be placed on the number of new pupils entering a school, preference is given to requests in the order of date of receipt of application by the school of choice;
  - d. Pupils will be expected to attend the choice of school for the full year;
  - e. Necessary transportation will not be provided by the District, but is the responsibility of the parent.
4. Applications for intradistrict attendance must be completed by May 1 of any school year. Applications initiated and completed after May 1 will be placed on a waiting list and honored if possible.
5. Information regarding the different instructional programs at each of the District's schools may be obtained from the Superintendent, Assistant Superintendent of Educational Services or principals.

## **Students**

**AR 5116.1 (b)**

### **Intradistrict Open Enrollment (continued)**

6. Intradistrict attendance agreements may be revoked during the school year upon recommendation of the principal and approval of the Superintendent.

#### **Enrollment under the No Child Left Behind Act**

Within a reasonable amount of time after a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Regulation Approved: March 23, 1987

Regulation Revised: October 2, 2023



## Students

AR 5116.2

### **Intradistrict Open Enrollment**

#### Transfer of Students for Disciplinary Reasons

The Superintendent or designee, upon recommendation of a student's principal, may administratively transfer a student from his/her school of residence or from any other school to another school in the district. The transfer may be in lieu of or in addition to a suspension of the student from all schools in the District. Prior to the transfer becoming effective, the student's parents shall be given not less than five (5) days' notice of the transfer and the reasons for the transfer. The parents/guardians shall also be informed that they shall be responsible for the transportation of the student to and from the new school location. The parents/guardians may request a conference with the Superintendent or designee and the principal concerning the reasons for and the appropriateness of the transfer.

## **Students**

### **Interdistrict Attendance**

The schools of the Lowell Joint School District shall be operated for the benefit of the students resident in the District. Placement of students in classes for instruction and hiring of staff are directly related to student attendance. Consequently, the District must monitor all circumstances affecting attendance in the District to determine if an interdistrict transfer is in the best interest of the children who reside in the district.

The Board of Education assigns the responsibility to approve, deny and revoke interdistrict attendance permits to the Superintendent or designee. The Superintendent will deny an initial request for transfer into the District if school facilities or programs are overcrowded at the relevant grade level. In addition, the Superintendent will deny an initial interdistrict transfer request, or cancel an existing permit, if false information is used as a basis for requesting or securing the permit. Students attending a District school on an interdistrict attendance permit must maintain good grades, good attendance, and good behavior. It is understood that the continuation of an interdistrict attendance permit is only in the student and District's best interests if that student has a positive educational experience. Specific reasons for revoking an interdistrict attendance permit are listed later in this policy.

The Lowell Joint School District has not implemented the optional provisions of Education Code 48204 (f), known as employment related transfers.

An interdistrict attendance permit is for all students attending regular day classes. Requests for Special Education students to attend specific programs should be directed to the North Orange County Special Education Local Plan Area (NOCSELPA). The NOCSELPA coordinates the special programs for the districts within this NOCSELPA.

The Superintendent shall consider approval of an interdistrict attendance permit request only when:

1. The district determines that the granting of the permit will not unduly hinder the existing educational program of resident students.
2. The student's attendance in the District will not exceed class size limits set by State regulations or District guidelines, including provisions of applicable collective bargaining agreements.
3. The parent/guardian verifies childcare needs that can be provided only within the boundaries served by our District.
4. To complete a school year when parents/guardians have moved out of the district during that year.
5. To allow students to remain with a class graduating that year from an elementary or intermediate school.

## **Students**

### **Interdistrict Attendance (continued)**

6. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.
7. When there is valid interest in a particular educational program not offered in the district.
8. The district has obtained written consent from an authorized official of the requesting student's district of residence.
9. A student who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying committed a student of the district of residence shall, at the request of the person having legal custody of the student, be given priority for inter-district attendance under any existing inter-district attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an inter-district attendance agreement.

(Education Code Section 46600(b))

The issuance and renewal of interdistrict attendance permits shall be further governed by the following:

1. All new interdistrict attendance permits may be withheld for a period of two weeks at the beginning of each school year for the purpose of allowing district residents to attend classes and determine whether the issuance of a permit would violate the standards of class size established by the District.
2. First priority for approval of interdistrict attendance permits shall be granted to verified renewal requests. Second priority for approval will be siblings of currently enrolled students attending a district school. Third priority is given to children of employees of the Lowell Joint School District. All other requests will then be considered. Priority status is only given to applications date stamped prior to June 1<sup>st</sup>.
3. Following the prioritization of requests, if there is more than one application for an opening, the date stamp showing the earliest receipt of transfer request approval from the district of residence will be used.
4. Requests for renewal of interdistrict attendance permits must be made in writing by the parent or guardian prior to the close of the present school year for which the existing permit is valid. Renewals received after the close of the school year will be considered new permits requests.

Students granted transfer into the Lowell Joint School District through this process are guaranteed no specific school of attendance. Transfer students may be placed only in schools and classrooms where space is available.

## Students

### Interdistrict Attendance (continued)

Transportation shall not be provided for students admitted pursuant to an interdistrict attendance agreement. However, upon request, the Superintendent or designee, may authorize transportation if space is available for students living outside of district boundaries to and from a designated bus stop within district boundaries.

The District reserves the right to refuse to accept any interdistrict attendance permit application for any reason determined to be in the best interests of the District.

The District shall not knowingly enroll a student who is not a district resident without an interdistrict attendance permit.

Interdistrict attendance permits shall be reviewed annually and renewed only if space continues to be available and reasons for the transfer continue to meet district policy. If space is no longer available at the student's school of attendance, the student may request another school within the district or return to his/her school district of residence.

The District reserves the right to revoke an interdistrict attendance permit because of:

1. Enrollment in the grade exceeds space available during the year.
2. Unsatisfactory attendance of the student, which includes punctuality relative to school starting and ending times, as well as excessive absenteeism. Unsatisfactory attendance is further defined as being classified as truant.
3. Unsatisfactory citizenship by the student, defined as continual breaking of school rules or upon the commitment of an act warranting two or more days of suspension in any one school year or more than one unsatisfactory rating on the effort section of any report card.
4. Unsatisfactory scholarship from the student, clarified to be achievement below a "C" average on any report card.
5. Determination that the conditions under which the original transfer request was granted no longer apply.
6. A finding that false, misleading or the deliberate omission of information was provided by the parents and used as a basis for the securing or renewing of a permit.
7. A determination that space, facilities, services, or supplies are or will be insufficient at a given site to accommodate resident students or anticipated new resident students within the attendance area.
8. Unwillingness to cooperate with school officials by the student or parent.
9. Any other reasons exist as determined by Education Code or district policy.



## **Students**

### **Interdistrict Attendance (continued)**

10. A determination that space, facilities, services, or supplies are or will be insufficient at a given site to accommodate resident students or anticipated new resident students within the attendance area.

Per the Education Code, the denial of an interdistrict attendance permit may be appealed ultimately to the County Board of Education. However the decision of the district to revoke an Interdistrict Attendance Permit may not be appealed beyond the District Board of Education.

Timelines for appeal of the denial, first to the District Board and then, if necessary, to the County Board are prescribed in Education Code 46601. Parents of students may not appeal denials or revocations of interdistrict attendance permits during expulsion proceedings or during the term of an expulsion.

#### Legal Reference:

##### EDUCATION CODE

35160.5	District policies; rules and regulations
35291	Rules
35351	Assignment of students to particular schools
46600-46611	Interdistrict attendance agreements
48200 et seq	Attendance
48915-48918	Expulsion
48980	Notice at beginning of term

##### ATTORNEY GENERAL OPINIONS

84 ops. Cal. Atty. Gen. 198 (2001)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 1988; May 10, 2004; September 26, 2005; June 18, 2012



## Students

**BP 5117.1 (a)**

### Interdistrict Enrollment

The Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. As a condition of granting or renewing permits, parents and interdistrict transfer students are required to comply with the terms of this policy and the rules of the schools within the District.

Parent may request a student transfer in or out of the District for one or more of the following reasons:

#### 1. Transfer of Student – Pending Change of Residence

The student has definite plans for a change of residence either into or out of the Lowell Joint District and can present satisfactory evidence that the move will be completed during the semester in which the application is filed. Failure to move during the semester in which the application is filed may result in the student returning to the school of residence.

#### 2. Transfer of Student - Change of Residence

- a) A student may be permitted to remain in the school of former residence for the remainder of that school year only; however, a student whose change of residence occurs between the end of school in one year and the end of the first month of classes of the next year will not be eligible to remain in the school of former residence.
- b) A student who moves at any time during the school year may be allowed to remain in school of former residence provided an interdistrict attendance permit is approved by both districts.

#### 3. Exceptional Situations

Interdistrict transfers for exceptional reasons may be permitted with the approval of the Superintendent or designee provided a signed interdistrict attendance agreement between the two districts exists. Documentation explaining the exceptional reasons must be provided by the parent/guardian.

#### 4. Specialized Academic Program:

If a specialized academic instructional program meeting the needs of the student is available in a district but not available within a student's district of residence and if the student has proof of acceptance to participate in the specialized academic program, an interdistrict attendance permit may be granted for the student but must be renewed each year.

#### 5. Residency Based on Parental Employment (The "Allen Bill")

Education Code 48204(b) states that a school district may deem a student to have complied with the residency requirements for school district attendance in the school district if at least one (1) parent or legal guardian of the student is physically employed within the boundaries of that school for a minimum of ten (10) hours during the school week.

**Interdistrict Enrollment (continued)**

The Superintendent or designee shall verify employment status for purposes of this section to determine whether residency can be established. If residency cannot be established in accordance with this provision, the Superintendent or designee will inform the parent or legal guardian of the interdistrict transfer process.

**6. Child Care (Grade PK-6<sup>th</sup> Only)**

- a) Education Code states that a school district may deem a student to have complied with the child care requirements for school district attendance in the school district if at least one (1) parent or legal guardian of the student has verified that the child's before/after school child care provider lives within the attendance area of the desired school. The Superintendent or designee shall verify child care provider's residence for purposes of this section to determine whether residency can be established. If residency cannot be established in accordance with this provision, the Superintendent or designee will inform the parent or legal guardian of the interdistrict transfer process.

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

- b) The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.13 - Residency for Homeless Children)

**Interdistrict Attendance Permits**

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs. The interdistrict attendance permit shall be reviewed annually based upon space availability and the student's maintaining good attendance, good citizenship/behavior, and good academic progress (grades).

The Superintendent or designee may deny or revoke interdistrict attendance permits at any time because of overcrowding within District schools, limited District resources, or failure by the student to maintain: good attendance, good citizenship/behavior, and good academic progress (grades).



## Students

BP 5117.1 (c)

### Interdistrict Enrollment (continued)

#### Enrollment Priorities

Consideration for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

(cf. 0450 - Comprehensive Safety Plan)

2. If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as *persistently dangerous*, he/she shall be provided an option to transfer to another district school. (20 USC 7912)

(cf. 0450 – Comprehensive Safety Plan)

3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist
  - b. A court order, including a temporary restraining order and injunction
4. Priority may be given to siblings of students already in attendance in that school.

**Interdistrict Enrollment (continued)**

5. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee may use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions may not be based on a student's academic and/or social performance. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Transportation

The district is not obligated to provide transportation for students who attend school outside their attendance area. The Superintendent or designee may authorize transportation contingent upon available space and funds.

Appeal Procedures

A student whose request for transfer has been denied may appeal the decision. All appeals shall be in writing and be directed to the Superintendent or designee. A response to an appeal shall be in writing. The County Board of Education is the final level of appeal for interdistrict transfers. The various levels of appeal are:

- a. Superintendent
- b. District Board of Trustees
- c. County Board of Education

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

**Interdistrict Enrollment (continued)**

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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

California Department of Education:

<http://www.cde.ca.gov>

## Students

AR 5117

### Interdistrict Attendance

The District reserves the right to revoke an interdistrict attendance permit for any of the following reasons:

1. Enrollment in the grade exceeds space available during the year.
2. Unsatisfactory attendance of the student, which includes punctuality relative to school starting and ending times, as well as excessive absenteeism. Unsatisfactory attendance is further defined as being classified as truant.
3. Unsatisfactory citizenship by the student, defined as continual breaking of school rules or upon the commitment of an act warranting one or more days of suspension in any one school year or more than one unsatisfactory rating on the effort section of any report card.
4. Unsatisfactory scholarship from the student, clarified to be achievement below a "C" average on any report card.
5. Determination that the conditions under which the original transfer request was granted no longer apply.
6. A finding that false, misleading or the deliberate omission of information was provided by the parents and used as a basis for the securing or renewing of a permit.
7. A determination that space, facilities, services, or supplies are or will be insufficient at a given site to accommodate resident students or anticipated new resident students within the attendance area.
8. Unwillingness to cooperate with school officials by the student or parent.
9. Any other reasons exist as determined by Education Code or district policy.

### Appeal Procedures

If the request is denied by the Superintendent or designee, a parent may appeal in writing to the Lowell Joint School Board of Trustee within 30 calendar days of the date of notification. If the request is appealed, it will be reviewed by the Board of Trustees and the decision of the Board of Trustees will be the final action of the Lowell Joint School District. If the request is denied by the Board of Trustees, a parent may appeal, within 30 calendar days of the date of notification, to the Orange County Board of Education, where the decision will be final.

Regulation Approved: June 29, 2009

Regulation Revised: October 2, 2023

## **Students**

**AR 5118**

### **Transfers**

#### Transfers into the District

Students who apply for admission to district schools may be placed at the grade level they have reached elsewhere pending observation and evaluation of their academic, social and emotional performance by their teachers, guidance personnel and the principal or designee.

- (cf. 5111 - Admission)
- (cf. 5116 - School Attendance Boundaries)
- (cf. 5141.31 - Immunizations)
- (cf. 6146.3 - Reciprocity of Academic Credit)

#### Transfers out of the District

When a student transfers out of the district, a brief statement will be attached to his/her permanent record showing which basic proficiencies, if any, have been assessed and satisfactorily met according to the standards of this district. This statement will be appended to any permanent record sent to another school in or outside California.

Students who transfer out of the district during their eighth grade may receive a diploma from this district, provided they have met all district graduation requirements.

- (cf. 6146.1 - High School Graduation Requirement/Standards of Proficiency)

Students transferring or withdrawing from school shall return all school books and materials and settle any unpaid fines on or before their last day of attendance.

- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
- (cf. 6161.2 - Damaged or Lost Instructional Materials)

#### Legal Reference:

##### EDUCATION CODE

48011 Admission from kindergarten or other school

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005, October 2, 2023



## **Students**

### **Students Expelled From Other Districts**

The Board of Trustees may admit students expelled from other districts upon request as long as their admission is consistent with providing a safe, secure and positive school environment for all district students and staff.

In order to prohibit the enrollment of a potentially dangerous student, the Board shall hold a hearing before admitting any student who has been expelled from another district. If the student has been expelled for certain serious reasons specified in Education Code 48915(a) or (c), his/her enrollment may occur only after the term of expulsion, and only if he/she has established legal residence in the district or is enrolled pursuant to an interdistrict attendance agreement.

(cf. 5111 - Admission)  
(cf. 5111.1 - District Residency)  
(cf. 5117 - Interdistrict Attendance Agreements)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

#### Legal Reference:

##### EDUCATION CODE

46600 Agreements for interdistrict attendance  
46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal  
48660-48666 Community day schools  
48915 Expulsion; particular circumstances  
48915.1 Expelled individuals: enrollment in another district  
48915.2 Expelled student; enrollment during and after period of expulsion  
48918 Rules governing expulsion procedures

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Students Expelled from Other Districts**

Hearings and notices related to the enrollment of students expelled from other districts shall be conducted in accordance with expulsion procedures consistent with Education Code 48918. (Education Code 48915.1, 48915.2)

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

No student shall be enrolled if he/she was expelled for any of the following acts: (Education Code 48915, 48915.2)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code 48900(n).
5. Causing serious physical injury to another person, except in self-defense.
6. Possessing any knife, explosive or other dangerous object of no reasonable use to the student.
7. Unlawfully possessing any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for possessing not more than one ounce of marijuana, other than concentrated cannabis.
8. Robbery or extortion.
9. Assault or battery upon a school employee as defined in Penal Code 240 and 242.

### **Enrollment During the Term of Expulsion**

If a student has been expelled for an act other than those specified in Education Code 48915(a) or (c), the parent/guardian shall, upon enrollment, inform the receiving district of the student's status with the previous district. (Education Code 48915.1)

**Students**

**Students Expelled from Other Districts (continued)**

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Superintendent may immediately suspend the student pending an administrative panel hearing. (Education Code 48915.1)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Grades/Evaluation Of Student Achievement**

Student academic achievement and citizenship shall be evaluated, recorded and reported each marking period. This evaluation must be timely, comprehensible and accurate. Regular reporting will be accomplished on schedules and by means established in administrative regulations and district calendars. Established means and schedules are considered minimal, and the professional staff is encouraged to create and implement additional communications regarding student progress and staff deems appropriate.

Board adopted grade-level standards and processes using multiple means of assessment should be implemented as the basis for determining grades. These standards and processes should be communicated to all parties, such as teachers, students, parents and administrators.

Whenever it becomes evident that the student is not making satisfactory progress, is at risk of failing or is failing, the teacher shall first notify the principal, then notify the parent using District forms, guidelines and procedures. Every effort must be made to provide such notification in sufficient time to allow the student the opportunity to improve the grade prior to the issuance of the next regular grade report. A failing grade must be preceded by parent notification. Staff members should maintain a copy of record of the means and date of such notification.

The grade assigned to each student shall be issued by the teacher. The determination of the grade by the teacher, in the absence of clerical or mechanical error, fraud, bad faith or incompetency shall be final. Any appeal to change a grade may be made only on the basis of the listed exceptions.

#### Legal Reference:

##### EDUCATION CODE

44662 Evaluation and assessment guidelines

48070 Promotion and retention

48431.6 Required systematic review

49066 Grades; finalization

49067 Regulations regarding student achievement

Policy Adopted: March 23, 1987

Policy Revised: March 13, 2000; September 26, 2005;

## **Students**

### **Grades/Evaluation of Student Achievement**

#### Grading

##### A. Purpose and Scope

To provide regulations for the grading of students and reporting to parents.

##### B. General

1. Student progress will be periodically reported to parents.
2. The evaluation of student progress must be timely, comprehensive and accurate.
3. Board adopted grade-level standards and processes using multiple means of assessment should be established and implemented as the basis of determining grades. These standards and processes should be provided to all parties, such as teachers, students, parents and administrators.
4. Concerns or questions should be directed to site principals or to the Superintendent.

##### C. Forms Used and Additional References

1. Currently approved grade report forms.
2. Currently approved parent/teacher conference forms (K-6).
3. Currently approved Unsatisfactory Progress Report forms.

##### D. Procedure

1. Grading Calendar
  - a. A report of student progress shall be given to parents quarterly for all schools.
  - b. As a standard procedure, a time shall be established near the midpoint of each quarter to inform students and parents of unsatisfactory, near-failing or failing work.

## Students

### Grades/Evaluation of Student Achievement (continued)

- c. An unsatisfactory progress report may be made at any time a student's achievement is determined to be unsatisfactory, near-failing or failing. Every effort should be made to provide unsatisfactory progress notification in sufficient time to allow the student the opportunity to improve the grade prior to the end of the quarterly grading period. A failing grade for any grading period must be preceded by prior parent notification.
  2. Official Grading Periods
    - a. At all schools, K-8, each quarter is a distinct grading period. Grades are not cumulative from one quarter to the next.
    - b. At the end of the first quarter reporting period, a parent-teacher conference will be conducted.
  3. Format or Means of Reporting
    - a. Currently approved district printed and/or computerized forms will be used for grading and reporting of unsatisfactory progress. Copies of such reports will be retained at the schools.
    - b. Teachers are encouraged to further communicate with parents by personal notes, telephone or conference. Teachers should keep records of such communications.
    - c. Teacher shall complete the achievement, citizenship and other reporting information required on currently approved report card forms.
    - d. Unless otherwise identified on currently approved district forms, achievement grades will be reported by standard A-F letter grades. These grades are defined as follows: A = Excellent; B = Above Average; C = Average; D = Below Average; and F = Failing.
    - e. LEP and special education students should have grades that reflect the level of work they are capable of completing, consistent with the IEP authorized accommodations and modifications to the core curriculum. Students will receive the same range of A-F grades as non-LEP/disabled students with an asterisk that denotes student is

**Students****Grades/Evaluation of Student Achievement (continued)**

not meeting District grade-level standards, but that they are making progress in an A-F range of grades relative to other students participating in a modified academic program.

- f. The IEP Team may determine that students with more severe disabilities cannot attain grade-level content standards, even with accommodations and modifications. Therefore, a narrative report of progress toward meeting IEP goals may be the more appropriate reporting format.
4. Issuance of Failing Grades
    - a. A failing grade for any grading period should be preceded by a warning notification of unsatisfactory, near failing, or failing work performed during the grading period.
5. Care and accuracy in grade reporting
    - a. Teachers shall maintain records such as grade books or other appropriate methods of record keeping. These various records of achievement, citizenship and other progress and the teacher's observation of students' daily classroom performance constitute the basis for issuing grades.
    - b. Every effort should be made by teachers to assign an accurate, correct grade at the regular reporting time. Principals, as a part of site procedures, will establish a process for a teacher to request a change in a grade assigned by that teacher in the event that an error has been made. At a minimum, the request must be in writing and will indicate the original grade, the corrected grade, reason for change, teacher's signature and the principal's signature. The request, after appropriate clerical and/or data processing changes have been made, will be filed in the permanent cum file of the student. Except as noted in law, the grade awarded by the assigned teacher is final.
6. As consistent with law, Board of Education policy and this regulation, principals may provide additional guidelines and procedures for grading and reporting to parents.

**Students**

**Grades/Evaluation of Student Achievement (continued)**

Descriptors of Levels of Student Performance -Achievement Grades

Grades 1 and 2

- E Extends beyond expectancies.  
Excellent work on grade level curriculum.  
Handles materials that are well above grade level  
Learns new material quickly and able to apply new skills and concepts.  
Work is neat with few errors and done on time.
  
- G Consistently performs in the top one-third of the typical average class.  
Above average performance on grade-level curriculum.  
Handles some materials above grade level.  
Learns at an average rate compared to students his age.  
Completes the regular instructional program satisfactorily.
  
- S Average performance on grade-level curriculum, or above average performance on below grade level curriculum.  
Learns at an average rate compared to students his age.  
Completes the regular instructional program satisfactorily.
  
- N Below average performance on grade level curriculum, or average performance on below grade level curriculum.  
Has difficulty understanding and applying new skills or concepts.  
Learns at a slower than average rate.  
Performs in the bottom third of the class.
  
- U Failing. In need of substantial remediation.  
Usually unable to perform on grade level curriculum.
  
- \* Participation in a modified program



**Students**

**Grades/Evaluation of Student Achievement (continued)**

Descriptors of Levels of Student Performance – Achievement Grades

Grades 3-8

- A.....Superior work on grade level curriculum.  
Consistently performs in approximately the top 10% of the class.  
Handles materials that are well above grade level.  
Learns new material quickly and able to apply new skills and concepts.  
Consistently scores 90 to 100% items correct on grade-level materials and tests.  
Work is neat with few errors and done on time.
- B.....Above average performance on grade-level curriculum.  
Consistently performs in the top one-third of the class.  
Handles some materials above grade level.  
Consistently performs at the 80% or more level on grade-level materials and tests.  
Work is usually neat with few errors and done on time.
- C.....Average performance on grade level curriculum or above average performance on below grade-level curriculum.  
Learns at an average rate compared with students his age.  
Usually performs at the 70% or more level on grade-level materials and tests.  
Completes the regular instructional program satisfactorily.
- D.....Below-average performance on grade-level curriculum or average performance on below-grade-level curriculum.  
Has difficulty understanding and applying new skills and concepts.  
Learns at a slower than average rate.  
Performs in the bottom third of the class.  
Usually performs at a less than 70% correct level on grade-level materials and tests.
- F..... Failing  
In need of substantial remediation, i.e., reading at two years or more below grade level.  
Usually performs at a less than 60% correct level on grade-level materials and tests.  
Is not performing on grade-level material.

\* Participation in a modified program.

**Students**

**Grades/Evaluation of Student Achievement (continued)**

Descriptors of Levels of Student Performance – Effort Grades

- 1.....Performs at the best of his individual ability.  
Consistently attentive.  
Highly motivated.  
Contributes frequently.  
Very conscientious.
- 2.....Better than average effort.  
Assigned work consistently completed and turned in.  
More conscientious than average.  
Contributes regularly.
- 3.....Satisfactory effort.  
Usually completes assigned work.  
Average effort on assignments.  
Contributes to satisfactory level.
- 4.....Working significantly below capability.  
Gives little effort.  
Leaves many assignments uncompleted.  
Frequently unprepared.
- 5.....Does not do class assignments.  
Inattentive.  
Frequently absent or tardy.  
Usually unprepared.

Regulation Approved: March 23, 1987

Regulation Revised: March 13, 2000; September 26, 2005; October 20, 2008

## **Students**

### **Promotion/Acceleration/Retention**

The Board of Trustees of the Lowell Joint School Districts expects students to pass the appropriate adopted District grade-level standards by the end of the school year in order to be promoted to the next grade. To accomplish this, instruction should accommodate the varying abilities and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

Because the schools of the Lowell Joint School District are dedicated to the best possible development of each student, the certificated staff is expected to place students at the grade level best suited to them academically, socially and emotionally in light of District goals, objectives and expected proficiency. The principal of the school shall determine the grade placement and selection of teacher for all students.

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. The Student's maturity level shall be taken into consideration in making a determination to accelerate a student.

The Superintendent or designee shall identify students who are at risk of being retained as early as possible in the school year and in students' school careers in accordance with law, Board policy and administrative regulation. The student's parent/guardian shall be notified and informed of the reasons of the possibility of retention as soon as appropriate after identification.

When any student is recommended for retention, the Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code and Board Policy.

#### Legal Reference:

##### EDUCATION CODE

- 37252-37254.1 Supplemental instruction
- 41505-41508 Pupil Retention Block Grant
- 46300 Method of computing ADA
- 48070-48070.5 Promotion and Retention
- 48431.6 Required systematic review of students and grading
- 48011 Promotion/retention following one year of kindergarten
- 56345 Elements of individualized education plans
- 60641-60648 Standardized Testing and Reporting Program
- 60850-60859 Exit Examination

**Students**

**Promotion/Acceleration/Retention (continued)**

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for admission to Kindergarten 90-10

CDE PUBLICATIONS

Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment

Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten

LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

WEB SITES

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

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

Policy Adopted: March 23, 1987

Policy Revised: January 22, 2002; September 26, 2005; June 2, 2008; April 20, 2009;

January 6, 2014

## **Students**

### **Promotion/Acceleration/Retention**

#### Enrollment in Kindergarten

It is the recommendation of the District that students entering kindergarten be five on or before September 1 of the year of enrollment. This recommendation will be communicated to parents in late spring before kindergarten enrollment takes place.

#### Acceleration from Kindergarten to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the child is ready for first-grade work. (Education Code 48011)

Admission shall be subject to the following minimum criteria: (5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of mental ability.
4. The physical development and social and emotional maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in the first grade.

#### Promotion/Retention in Kindergarten and First Grade

Students who have completed one year of kindergarten shall be admitted to first grade unless the school team and the parent/guardian agree that the student shall be retained in Kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student is retained in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46399).

**Students****Promotion/Acceleration/Retention (continued)**

Students in kindergarten and grade 1 shall be identified at risk of being retained primarily on the basis of information collected and evaluated by the classroom teacher, site staff members, Principal, or Principal's designee including:

1. Academic performance with emphasis on reading proficiency with additional consideration of:
  - a. Age/physical maturity
  - b. Social/emotional maturity
  - c. Teacher recommendation with supporting documentation
  - d. Student Study Team recommendation (at site discretion)

Final decisions regarding promotion/retention at the kindergarten and first grade levels will be made jointly by the child's classroom teacher and the parent. For those children whose academic performance is below grade level standards, parents should be informed by the classroom teacher, site staff members, Principal, or Principal's designee that only greatly accelerated performance will prevent the child from being retained in the second grade.

**Identification of Students Who are at Risk of Retention in Grades 2-8**

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between grades 5 and 6
5. Between the end of elementary upper grades and the beginning of junior high school grades
6. Between grades 7 and 8
7. Between the end of the junior high school grades and the beginning of the high school grades

Students between grades 2 and 3, and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between grades 5 and 6, between the end of elementary upper grades and between junior high school grades and high school grades. (Education Code 48070.5)

**Students**

**Promotion/Acceleration/Retention (continued)**

(cf. 6142.91 – Reading/Language Arts Instruction)

(cf. 6142.92 – Mathematics Instruction)

Students shall be identified on the basis of either assessment results or grades and other indicators of academic achievement as established by Board Policy.

(cf. 5121 – Grades/Evaluation of Student Achievement)

(cf. 6162.5 – Student Assessment)

**Grade 2**

1. Recommendation primarily on the basis of information collected and evaluated, including:
  - a. Academic performance with emphasis on reading proficiency and mathematics with additional consideration of:
    - i. Age/physical maturity
    - ii. Social/emotional maturity
    - iii. Teacher recommendation with supporting documentation
  - b. Pre-Reading/Reading skills measured first, second, and third quarter (first and second trimester)
  - c. Recommendations of students at risk of retention of the Student Study Team
  - d. Student performance below standards on District Benchmark Assessments

**Grades 3-6**

1. Previous year's scores on the California Standards Tests (Common Core Assessments) at below basic or far below basic performance level in English/Language Arts and/or Mathematics.
2. Grade of "D" or "F" (Common Core rating of 1 or 2) in English/Language Arts and/or Mathematics at the end of the previous year's report card.
3. Grade of "D" or "F" (Common Core rating of 1 or 2) in English/Language Arts and/or Mathematics at the first, second, and third quarter (first and second trimester) of the current year's report card.

## **Students**

### **Promotion/Acceleration/Retention (continued)**

4. Teacher recommendation with support documentation
5. Recommendations of students at risk of retention by the Student Study Team.
6. Student performance below standards on District Benchmark Assessments.

#### Grades 7-8

All students in grades 7 and 8 must meet the following minimum requirements:

1. Students must earn 120 out of 140 credits in their two years at Rancho-Starbuck Intermediate School.
2. Students must enter eighth grade with at least 60 credits (no more than four F's), and students must earn a minimum of 60 credits in eighth grade with no more than four F's in eighth grade.
3. Students must have a cumulative minimum grade point average of at least 1.50 in seventh and eighth grades in order to graduate from eighth grade.
4. At the discretion of the Principal or administrative designee, under special circumstances a student may be eligible for graduation with a grade point average of at least 1.50 for eighth grade only.
5. Students must have been in attendance at school for at least 90 percent of the time enrolled. (Exceptions may be made for special circumstances when credits are earned with home teaching.)
6. Students must meet the District's testing standards.

#### Retention of Students in Grades 2-8

##### Grades 3-6

Students in grades 3 through 6 will be retained based on one or more of the following criteria:

1. Previous scores on the California Standards Tests (Common Core Assessments) or other comparable District standards-based Benchmark Assessments at below basic or far below basic performance level in English/Language Arts and/or Mathematics.



**Students****Promotion/Acceleration/Retention (continued)**

2. One or more “F’s” and/or two “D’s” (Common Core rating of 1 or 2) in core curriculum areas of English/Language Arts and/or Mathematics at the end of the year.
3. Student performance below standards on other standardized/criterion referenced assessments.
4. Promotion/Retention of Special Education students not meeting standards will be determined by the Individual Education Program (IEP) Team.
5. Promotion/Retention decisions for English Learner (EL) students will include consideration of the following factors:
  - a. Length of time the student has been instructed in English
  - b. Student’s oral, reading, and writing proficiency in English
  - c. Evaluation of student’s academic achievement in the student’s primary language (if appropriate)

Students in grades 3-6 will not be retained if the retained student would reach the age of 15 during his/her 7<sup>th</sup> grade year.

**Grades 7-8**

Students in grades 7 and 8 will be retained based on one or more of the following criteria:

1. Promotion/Retention of Special Education students not meeting standards will be determined by the IEP Team.
2. Promotion/Retention decisions for EL students will include consideration of the following factors:
  - a. Length of time the student has been instructed in English
  - b. Student’s oral, reading, and writing proficiency in English
  - c. Evaluation of student’s academic achievement in the student’s primary language (if appropriate)
3. Graduation Requirements
  - a. Students must earn 120 out of 140 credits in their two years at Rancho-Starbuck Intermediate School.

**Students****Promotion/Acceleration/Retention (continued)**

- b. Students must enter eighth grade with at least 60 credits (no more than four F's), and students must earn a minimum of 60 credits in eighth grade with no more than four F's in eighth grade.
- c. Students must have a cumulative minimum grade point average of at least 1.50 in seventh and eighth grades in order to graduate for eighth grade.
- d. At the discretion of the Principal or administrative designee, under special circumstances a student may be eligible for graduation with a grade point average of at least 1.50 for eighth grade only.
- e. Students must have been in attendance at school for at least 90 percent of the time enrolled. (Exceptions may be made for special circumstances when credits are earned with home teaching.)
- f. Students must meet the District's testing standards.

**Student Identification**

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher, site staff member, Principal, or Principal designee determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

**Special Education Students**

The IEP (Individual Education Plan) for special education students supersedes all other promotion and retention criteria set forth in these regulations.

**Limited English Proficient Students**

Students with less than three years of English instruction will not be retained unless it is ascertained that the student is not making adequate progress due to factors other than language acquisition.

## **Students**

### **Promotion/Acceleration/Retention (continued)**

#### The School Team

The “teacher” referred to in the legislation is further defined as “school team” by the District. The school team shall include the principal and the student’s classroom teacher. The team may also include the school’s Student Study Team Coordinator, the school psychologist and other school/district specialists as needed.

If the school team’s recommendation to promote is contingent on the student’s participation in an intervention program, the student’s academic performance shall be reassessed at the end of the intervention program, and the decision to retain or promote the student shall be reevaluated at that time. The team’s evaluation shall be provided to and discussed with the student’s parent/guardian and the principal before any final determination of retention or promotion. (Education Code 48070.5)

(cf. 6177 – Summer School)

(cf. 6179 – Supplemental Instruction)

#### Parent Notification

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student’s parent/guardian as early in the school year as practicable. The student’s parent/guardian shall be provided an opportunity to consult with the teacher/team responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 – Parental Notifications)

#### Appeal Process

If the student does not have a single regular classroom teacher, the Principal or designee shall specify which teacher(s) are to be on the team responsible for the decision to promote or retain the student. (Education 48070.5)

The District/School team’s decision to promote or retain a student may be appealed consistent with Board policy, administrative regulation and law.

The burden shall be on the appealing party to show why the decision should be overruled. (Education Code 48070.5)

## **Students**

### **Promotion/Acceleration/Retention (continued)**

To appeal the District/School team's decision, the appealing party shall submit a written request to the Superintendent or designee specifying the reasons why the team's decision should be overruled. The appeal must be initiated within ten school days of the determination of retention or promotion. The team shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the team's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher/team. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the team's decision should be overruled, he/she shall overrule the decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board of Trustees within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in Closed Session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the team, and the Superintendent/designee to decide the appeal. The decision of the board shall be final.

(cf. 9321 – Closed Session Purposes and Agendas)  
(cf. 9321.1 – Closed Session Actions and Reports)

If the decision of the Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections that shall become part of the student's record.

(cf. 5125 – Student Records)  
(cf. 5125.3 – Challenging Student Records)

(Education Code 37252.5 no longer exists)

### **Acceleration for all Grades**

Parent/guardian or the teacher of a student enrolled in a Lowell Joint School District school may request consideration for acceleration and the school team agree that the student may be accelerated, upon determination that the child is academically and developmentally ready for the next grade level.

## **Students**

### **Promotion/Acceleration/Retention**

Acceleration shall be subject to the following minimum criteria:

1. The student has attended a public school at the current grade level for a long enough time to enable school personnel to evaluate his/her ability.
2. The student exhibits strong academic performance and it is determined by the school team that the student is capable of meeting the academic expectations of the accelerated grade level.
3. The physical development and social maturity of the student are consistent with his/her advanced academic ability.
4. The parent/guardian of the student has approved the accelerated placement.

Regulation Approved: March 23, 1987

Regulation Revised: January 22, 2002; September 26, 2005; June 2, 2008; April 20, 2009; January 6, 2014

## **Students**

### **Communication with Parents/Guardians**

Because parents/guardians need to be informed about their child's academic achievement and may use this information to support student learning, the Governing Board encourages frequent communication to parents/guardians about student progress. The principal and teacher may communicate by means of conferences, class newsletters, mail, telephone, and/or school visits by parents/guardians.

(cf. 1250 - Visitors/Outsiders)

(cf. 6020 - Parent Involvement)

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/ guardians to communicate any concerns to the teacher. In addition, the district shall send parents/guardians all notifications required by law.

(cf. 5113 - Absences and Excuses)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee shall ensure that appropriate means of communication are established whenever he/she learns that a parent/ guardian, for any reason, may not be able to understand written communications from school or oral communications made during conferences related to the student's program, assessment, progress or school activities.

As needed, the Superintendent or designee may use interpreters who are fully competent in the specialized method of communication needed for effective communication with disabled parents/guardians.

The Superintendent or designee may also use interpreters for parents/guardians who do not understand English, shall provide progress reports in the primary language of the parent/guardian, and/or shall identify appropriate means of communication with such parents/guardians.

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

(cf. 6174 - Education for English Language Learners)

**Students**

**Communication with Parents/Guardians (continued)**

Legal Reference:

EDUCATION CODE

48985 Notices in language other than English

49067 Mandated regulations regarding student achievement

49069 Absolute right to access (parents' right of access to student records)

GOVERNMENT CODE

11135 State-funded programs or activities

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

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

12101 - 12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions; auxiliary aids and services

35.130 General prohibitions against discrimination

35.160 Communications

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Discrimination prohibited

Policy Adopted: March 23, 1987

Policy Revised: January 22, 2002; September 26, 2005; June 2, 2008

## Students

### Student Records

The Board of Trustees recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.1 - Release of Directory Information)

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

(cf. 5125.3 - Challenging Student Records)

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

#### Legal Reference:

##### EDUCATION CODE

48201 Student records for transfer students who have been suspended/expelled

48904-48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48918 Rules governing expulsion procedures

49060-49079 Pupil records

49091.14 Parental review of curriculum

##### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

##### FAMILY CODE

3025 Access to records by noncustodial parents

##### GOVERNMENT CODE

6252-6260 Inspection of public records



**Students**

**Student Records (continued)**

Legal Reference: (continued)

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16027 Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.500 Definition of "personally identifiable"

300.501 Opportunity to examine records for parents of student with disability

300.573 Destruction of information

COURT DECISIONS

Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Student Records**

#### Definitions

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

(cf. 5125.1 - Release of Directory Information)

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

1. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute
2. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

(cf. 3515.3 - District Police/Security Department)

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

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

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

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

## **Students**

### **Student Record (continued)**

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

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

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

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

### Changes to Student Records

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

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

(cf. 5125.3 - Challenging Student Records)

### Retention and Destruction of Student Records

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

1. Legal name of student
2. Date and place of birth, and method of verifying birth date

(cf. 5111 - Admission)

**Students**

**Student Records (continued)**

3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

5. Entrance and departure date of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of intermediate school graduation or equivalent

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

1. Expulsion orders and the causes therefor

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

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

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

**Students**

**Student Records (continued)**

3. Health information, including Child Health and Disability Prevention Program verification or waiver

(cf. 5141.32 - Child Health and Disability Prevention Program)

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

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Language Learners)

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

7. Parental restrictions/stipulations regarding access to directory information

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

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

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

(cf. 6162.5 - Student Assessment)

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

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

## **Students**

### **Student Records (continued)**

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

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

#### Persons with Access to Student Records

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18 (Education Code 49069)

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)

2. Adult students age 18 or older or students under the age of 18 who attend a postsecondary institution, in which case the student shall alone exercise rights related to his/her student records and grant consent for the release of records (Education Code 49061; 34 CFR 99.5)
3. Those so authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester: (Education Code 49076)

**Students****Student Records (continued)**

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older
2. Students 16 or older or who have completed the 10th grade
3. School officials and district employees
4. Members of a school attendance review board, and any volunteer aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student

(cf. 5113.1 - Truancy)

5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided
6. Federal, state and local officials, as needed for program audits or compliance with law
7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation
10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681
11. Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 and to assist with the school transfer or enrollment of a student

**Students****Student Records (continued)**

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any Individualized Education Program (IEPs) developed and maintained by the district with respect to such students. (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)

The Superintendent or designee may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released:

1. Name of the student and the student's parent/guardian
2. Types and dates of immunizations received by the student
3. Manufacturer and lot number of the immunization received
4. Adverse reaction to the immunization
5. Other non-medical information necessary to establish the student's unique identity and record
6. Current address and telephone number of the student and his/her parent/guardian
7. Student's gender and place of birth.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency. (Education Code 49076.5)

The Superintendent or designee may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake



## **Students**

### **Student Records (continued)**

2. Accrediting associations
3. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

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

(cf. 5021 - Noncustodial Parents)

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)

### **Procedures for Access**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49060; 5 CCR 433)

To inspect, review or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

Authorized persons from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)

## **Students**

### **Student Records (continued)**

Within five days following the date of request, an authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours. (Education Code 49069; 5 CCR 431)

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

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

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

When the district discloses personally identifiable information to officials of another school, school system where the student seeks or intends to enroll, the Superintendent or designee may make a reasonable attempt to notify the parent/guardian at his/her last known address, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee may inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

If the district is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)

1. The type of information that will be shared
2. The name and address of the agency with which the district will share the information
3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, and health care plans

## Students

### Student Records (continued)

4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student
5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors
6. That the parent/guardian may refuse to allow this information to be shared

### Duplication of Student Records

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.

(cf. 3260 - Fees and Charges)

### Access Log

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

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

The log does not need to include: (Education Code 49064)

1. Parents/guardians or adult students
2. Students 16 years of age or older who have completed the 10th grade
1. Parties obtaining district-approved directory information

## **Students**

### **Student Records (continued)**

(cf. 5125.1 - Release of Directory Information)

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials or employees who have legitimate educational interest

The log shall be accessible only to the parent/guardian, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

#### Transfer of Student Records

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

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

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

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent records as requested by the other district or private school. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (5 CCR 438)

(cf. 5118 - Transfers)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 46069.5)

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

## **Students**

### **Student Records (continued)**

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

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

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

### Notification of Parents/Guardians

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent or designee may notify parents/guardians and eligible students of their rights related to student records. Insofar as practicable, the district may provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

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

1. The types of student records kept by the district and the information contained therein
2. The titles of the officials responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights

**Students**

**Student Records (continued)**

(cf. 5125.3 – Challenging Student Records)

8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. – Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078 and the rights of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with 20 USC 1232g
13. The notification shall also include a statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Release of Directory Information**

#### Definition

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

1. Name
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Date and place of birth
7. Dates of attendance
8. Most recent previous school attended

#### Notification to Parents/Guardians

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

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

#### Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information may not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g)

**Students**

**Release Of Directory Information (continued)**

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Students**

### **Withholding Grades, Diploma or Transcripts**

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

(cf. 5131.5 - Vandalism, Theft and Graffiti)  
(cf. 6161.2 - Damaged or Lost Instructional Materials)

If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts.

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

If the student and parent/guardian are unable to pay for the damages or return the property, the principal or designee shall provide an alternative method of reparation. When this reparation is completed, the student's grades, diploma or transcripts shall be released. (Education Code 48904)

When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared.

The Superintendent or designee shall notify the parent/guardian in writing that this district's decision to withhold grades, diploma or transcript will be enforced by the new district. (Education Code 48904.3)

The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. (Education Code 48904.3)

(cf. 5125 - Student Records)

**Students**

**Withholding Grades, Diploma or Transcripts (continued)**

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49069 Absolute right to access

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Challenging Student Records**

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted
5. Misleading
6. In violation of the privacy or other rights of the student

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

(cf. 5125 - Student Records)

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the

**Students**

**Challenging Student Records (continued)**

allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)

(cf. 1312 - Complaints Concerning the Schools)  
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act of 1974

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Awards for Achievement**

The Board of Trustees encourages excellence as a goal for all students and wishes to publicly recognize students for unique or exemplary achievements in academic, extracurricular or community service activities. The purpose of such awards shall be consistent with school goals.

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, a public ceremony, trophy or plaque.

The Superintendent or designee shall develop procedures for the appropriate selection of student award recipients.

(cf. 1260 - Educational Foundation)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 5127 - Graduation Ceremonies and Activities)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards  
35310-35319 Scholarship and loan funds  
44015 Awards to employees and students  
51450-51455 Golden State Seal Merit Diploma

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## Students

### Graduation Ceremonies and Activities

Intermediate/junior high school graduation ceremonies shall be held to recognize those students who have successfully completed the required course of study and passed all academic requirements and behavior standards. Those students shall be designated “Graduating Eighth Graders” and have thereby earned the right to receive a diploma.

#### Academic Standards

An eighth-grade student shall be eligible to participate in graduation ceremony and be awarded a diploma if he/she has met the following minimum requirements:

- A. Students must earn 120 out of 140 credits in their two years at Rancho-Starbuck.
- B. Students must have a cumulative GPA of at least 1.50 in their two years at Rancho-Starbuck.
- C. At the discretion of the principal or administrative designee, under special circumstances a student may be eligible for graduation with a GPA of at least 1.50 for eighth grade only.
- D. Students must have been in attendance at school for at least 90% of the time enrolled. (Exceptions may be made for special circumstances when credits are earned with home teaching.)
- E. Students must enter eighth grade with at least 60 credits (no more than four F’s), and students must earn a minimum of 60 credits in eighth grade with no more than four F’s in eighth grade.
- F. Students must meet the District’s testing standards.
- G. Only students who meet all of the graduation requirements will be allowed to participate in eighth-grade graduation activities.
- H. Criteria for District’s testing standards are specified in the promotion/retention handbook.

(cf. 6146.5)

#### Behavioral Standards

In addition to meeting the academic standards above, each student is expected to maintain standards of conduct and behavior as set forth in the policies and procedures established by the principal of the school. The principal may deny the privilege of participating in the graduation ceremonies if the standards of behavior have not been met.

#### Graduating Eighth Grade Activities

- A. Eighth-Grade Party (if scheduled).
- B. Disneyland Trip (or comparable substitute).
- C. Graduation Ceremonies.

## **Students**

### **Graduation Ceremonies And Activities (continued)**

The aforementioned activities are open only to those students who are approved for participation in the graduation ceremonies.

#### Legal Reference:

##### EDUCATION CODE

40014 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51400-51403 Elementary school diploma

51410 Diplomas: no indication of intellectual classification

51411 Residence as condition for graduation; prohibition

51412 Standards of proficiency

Lee v. Weisman (1992) 112 S.C. 2649

Sands v. Morongo Unified School District (1991) 53 Cal. 3d 863

Lemon v. Kurtzman (1971) 403 U.S. 602

Fowler v. Board of Education of the Hickory Administrative School Unit (1978) 448 f. Supp.497

Mifflin County School District v. Steward PA. Cmwlt. (1986) 503 A2d 1012, 30 Educ. L.R. 403

Jones v. Clear Creek Independent School District (1992, 5<sup>th</sup> Cir.) 977 F.2d 963

Harris v. Joint School District #241 (1994, 9<sup>th</sup> Cir.) No. 93-35839

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; May 19, 2008

## **Students**

### **Conduct**

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful towards their teachers, other staff, students and volunteers.

The Board of Trustees expects all students within the schools, as well as personnel serving the District, to comply with state and federal laws, local school Board Policies, and Administrative Rules and Regulations which establish the codes of conduct for students, including the responsibilities and duties of students, employees, and parents/guardians to maintain good order and discipline within the District.

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations.

Students and parents/guardians shall be notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors as well as prevention and intervention strategies.

This policy applies to all acts related to school activity of school attendance occurring within a school under the jurisdiction of the Superintendent of the District, and applies to all of the District's students.

(Education Code Section 234.1)

Prohibited student conduct includes but is not limited to:

1. Behavior that endangers staff and/or students

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs) (cf. 5142 - Safety)



**Students**

**Conduct (continued)**

2. Behavior that disrupts the orderly classroom or school environment

(cf. 5131.4 - Campus Disturbances)

3. Harassment of students or staff, including bullying, intimidation, hazing, or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in Education Code Section 48900.2, 48900.3, or 48900.4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- a) Placing a reasonable student or students in fear of harm to that student’s or those students’ person or property.
- b) Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
- c) Causing a reasonable student to experience substantial interference with his or her academic performance.
- d) Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(Education Code Section 48900(r))

(Education Code Section 234.1)

4. Damage to or theft of property belonging to the district, staff or students

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

## **Students**

### **Conduct (continued)**

5. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose

6. Profane, vulgar or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 6163.4 - Student Use of Technology)

8. Inappropriate dress

(cf. 5132 - Dress and Grooming)

9. Tardiness and unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

### **Possession of Cellular Phones and Other Electronic Signaling Devices**

Except for prior consent for health reasons, possessions or use of electronic signaling devices, including but not limited to pagers, beepers and cellular/digital telephones are prohibited at the K-6 schools. These devices are allowed at the intermediate school but must be in the "off" position within the intermediate school gates.

## **Students**

### **Conduct (continued)**

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

#### Enforcement of Standards

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

(cf. 1020 - Youth Services)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

#### Legal Reference:

##### EDUCATION CODE

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

**Students**

**Conduct (continued)**

48900-48925 Suspension or expulsion

48908 Duties of students

**CIVIL CODE**

1714.1 Liability of parents and guardians for willful misconduct of minor

**PENAL CODE**

417.25-417.27 Laser scope

**CODE OF REGULATIONS, TITLE 5**

300-307 Duties of pupils

**UNITED STATES CODE, TITLE 42**

2000h-2000h6 Title IX, 1972 Education Act Amendments

Policy Adopted: November 5, 2007

Policy Revised: June 18, 2012

## **Students**

### **Anti-Bullying**

#### I. Introduction

The District believes every child is entitled to a safe school environment free from discrimination and bullying. Consistent with state and federal law, the District prohibits bullying and discrimination and provides a timely and effective complaint procedure for students who believe they have been the victim of bullying or discrimination. Such conduct can best be combated and prevented with effective strategies that involve students, parents, and school employees in collaborative efforts to teach tolerance and ensure equal educational opportunities for all.

#### II. Applicability

This Board Policy applies to all of the District's students. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of Schools of the Lowell Joint School District.

(Education Code Section 234.1(a))

This policy also reminds school personnel of their obligation to intervene when safe to do so as required by Education Code Section 234.1(b)(1).

#### III. Definitions

- A. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in Education Code Section 48900.2, 48900.3, or 48900.4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- a) Placing a reasonable student or students in fear of harm to that student's or those students' person or property.
  - b) Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  - c) Causing a reasonable student to experience substantial interference with his or her academic performance.

**Students****Anti-Bullying (continued)**

- d) Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

While not an exhaustive list, examples of bullying/cyberbullying might include:

- Direct physical contact, such as hitting or shoving;
- Threats to harm another person
- Oral or written assaults, such as teasing or name-calling
- Social isolation or manipulation
- Posting harassing messages, direct threats, social cruelty or other harmful texts, sounds, or images on the Internet, including social networking sites
- Posting or sharing false or defamatory information about another person
- Posting or sharing information about another person that is private
- Pretending to be another person on a social networking site or other electronic communication in order to damage that person's reputation or friendships
- Posting or sharing photographs or videos of other people without their permission
- Spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive emails or text messages)
- Retaliating against someone for complaining that they have been bullied

- B. "Electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, video, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.
- C. "Reasonable student" means a student, including, but not limited to, an exceptional needs student, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

## **Students**

### **Anti-Bullying (continued)**

#### **IV. Prohibition Against Bullying**

The District prohibits bullying as defined in this policy. This includes, but is not limited to discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in Penal Code Section 442.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. In addition, the District prohibits retaliation against complainants.

(Education Code Section 234.1(a), 4899(r))  
(cf. Board Policy 0410 – Nondiscrimination in District Programs and Activities)  
(cf. Board Policy 5145.7 – Sexual Harassment)

#### **V. Free Speech Protection**

This policy shall not be construed to limit student rights to free speech as protected by the United States Constitution, the California Constitution, Education Code Sections 48907 and 48950, and other applicable law.

#### **VI. Duties and Responsibilities of School Employees**

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so.

(Education Code Section 234.1(b)(1))

#### **VII. Reporting and Investigating Complaints; Complaint Officer**

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. The site administrator shall notify the District's Nondiscrimination Officer within 24 hours. Students who have knowledge of discrimination, harassment, intimidation or bullying are encouraged to inform a teacher or school administrator as soon as possible. Students and parents may make such complaints anonymously by calling the Nondiscrimination Officer at the number below. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

## **Students**

### **Anti-Bullying (continued)**

Formal complaints regarding violations of this policy shall be made pursuant to the District's Uniform Complaint Procedure.

The District's Nondiscrimination Officer is:

Superintendent of Schools  
Lowell Joint School District  
11019 Valley Home Avenue  
Whittier, CA 90603  
(562) 902-4203  
[www.ljsd.org](http://www.ljsd.org)

The Nondiscrimination Officer is responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. The Nondiscrimination Officer shall notify the parents of the reported victim and the alleged perpetrator of the complaint and, if appropriate, law enforcement officials. The Nondiscrimination Officer may refer the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.

The Nondiscrimination Officer shall maintain documentation of complaints and their resolution for a minimum of one compliance review cycle.

(Education Code Section 234.1(e))

## **VIII. Confidentiality**

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

## **IX. Disciplinary Consequences**

Students who violate this policy may be subject to discipline, including suspension and expulsion pursuant to the District's discipline policies and procedures.



## **Students**

### **Anti-Bullying (continued)**

#### **X. Notifications**

The District shall publicize this policy, including information about the manner in which to file a complaint, to students, parents, employees, agents of the Board of Trustees, and the general public. The information shall be translated pursuant to Education Code Section 48985. This policy shall be available in all school schools and offices, including staff lounges and student government meeting rooms.

(Education Code Section 201(g))

#### **XI. Anti-Bullying Education; Training for Educators**

The District has an affirmative obligation to combat racism, sexism, and other forms of bias, and a reasonability to provide equal educational opportunity. The District shall undertake educational activities to prevent bullying and counter discriminatory incidents that impact the school environment and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of students to equal educational opportunity.

(Education Code Section 201(g))

As part of its Educational Technology Plan and Student Use of Technology policies, the District educates students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

The District also educates students and teachers on the appropriate and ethical use of information technology in the classroom and Internet safety.

#### **XII. Inter-district Transfers**

A student who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying committed by a student of the district of residence shall, at the request of the person having legal custody of the student, be given priority for inter-district attendance under any existing inter-district attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an inter-district attendance agreement.

(Education Code Section 46600(b))

**Students**

**Anti-Bullying (continued)**

Legal Reference:

EDUCATION CODE

Section 201(g)

Section 220

Section 234.1(a), (b), (c), (d), (e)

Section 234

Section 46600(b)

Section 48900(r)

PENAL CODE

Section 422.55

ASSEMBLY BILLS 9, 746, and 1156

## **Students**

### **Vandalism, Theft and Graffiti**

The Board of Trustees considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district-owned real or personal property, including the writing of graffiti.

(cf. 3515.4 - Recovery for Property Loss or Damage)

Any district student who commits an act of vandalism shall be subject to disciplinary action by the district and also may be prosecuted through other legal means. If reparation of damages is not made, the district also may withhold the student's grades, diploma and/or transcripts in accordance with law.

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

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

#### Legal Reference:

##### EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

##### CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

##### CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

##### GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

##### PENAL CODE

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Alcohol and Other Drugs**

The district will conduct a comprehensive Substance Abuse Prevention Program that will incorporate the oral and ethical values taught in the Character Education curriculum. The basic intent of the prevention program is to provide students with the strength of character to resist involvement with alcohol, tobacco and other drugs by providing instruction in positive self-esteem and development, knowledge and facts about substance abuse and desirable personal and social skills. Through the mediums of these effective instructional programs, the Board of Trustees intends to help the District's students and schools to be drug alcohol and tobacco free.

It is the position of the Board that drug, alcohol and tobacco abuse will lead to adverse social, educational, economic and legal consequences. With the schools being uniquely capable of providing the long-range solution, that being the elimination of the demand for drugs, alcohol and tobacco products, the Board has developed a proactive as well as reactive program to avoid perpetuation of alcohol, tobacco and other drug abuse problems. Cooperation in these efforts should be established among parents, resource agencies, law enforcement and the community. The Board encourages the use of community representatives, such as PTA presidents or designees and School Site Council members as members of the District Advisory Committee when appropriate for the purposes of this policy.

#### **Instruction**

The district shall provide preventative instruction that helps students to avoid the use of alcohol, tobacco and other drugs and teaches students how to influence their peers to avoid and/or discontinue the use of alcohol, tobacco and other drugs. Instruction shall be designed to answer students' questions related to alcohol, tobacco and other drugs.

The instructional program will enable students to:

- A. Develop character traits that encompass social and personal skills to resist involvement with alcohol, tobacco and other drugs;
- B. Develop and maintain a positive self-concept;
- C. Obtain and use current and accurate information.

The curriculum will be comprehensive and sequential in nature and suited to meet the needs of students at their respective grade levels.

## **Students**

### **Alcohol And Other Drugs (continued)**

The Board encourages staff to display attitudes that make them positive role models for students with regard to alcohol, tobacco and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

All instruction and related materials shall stress the concept of “no unlawful use” of alcohol, tobacco and other drugs and shall not include the concept of “responsible use” when such use is illegal.

#### **Intervention**

The Board recognizes that there may be students on our campuses who use alcohol, tobacco and other drugs and can benefit from intervention. The Board supports intervention programs that include the involvement of students, parents/guardians and community agencies/organizations.

The Board finds it essential that school personnel be trained to identify symptoms that may include use of alcohol, tobacco and other drugs. The responsibilities of staff in working with, intervening and reporting students suspected of alcohol, tobacco and other drug use shall be clearly defined in administrative regulations.

Administrative regulations may include the roles and responsibilities of law or staff as reflected in procedures that the district and police service agency have established for the coordinated alcohol, tobacco and drug prevention intervention system.

#### **Nonpunitive Self-Referral**

The Board strongly encourages any student who is using alcohol, tobacco or drugs to discuss the matter with his/her parent/guardian, principal, counselor or with any staff member. Students who disclose past use of alcohol, tobacco or other drugs when seeking help from an intervention or recovery program shall not be punished or disciplined for such past use.

#### **Recovering Student Support**

The Board recognizes the possible presence of recovering students in the school and the necessity to support these students in avoiding reinvolvement with alcohol, tobacco and other drugs.

**Students**

**Alcohol And Other Drugs (continued)**

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol, tobacco, other drugs and related paraphernalia on school grounds, at school events or in any situation in which the school is responsible for the conduct and well-being of students. Students possessing, selling and/or using alcohol, tobacco, other drugs or related paraphernalia shall be subject to disciplinary procedures that may result in suspension or expulsion.

School authorities may search students and school properties for the possession of alcohol, tobacco and other drugs as long as such searches are conducted in accordance with law, Board policy and administrative regulations.

Legal Reference:

**BUSINESS AND PROFESSIONS CODE**

25608 Alcohol on school property; use in connection with instruction

**EDUCATION CODE**

44049 Known or suspected alcohol or drug abuse by student

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49423 Administration of prescribed medication

49480 Notice to school by parent or guardian; consultation with physician

49602 Confidentiality of pupil information

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

51210 Areas of study

51220 Areas of study, grades 7 to 12

51260 Elementary and secondary school instruction in drug education by appropriately trained instructors

51262 Use of anabolic steroids; legislative finding and declaration

51264 CDE assistance for inservice training

51265 Gang violence and drug and alcohol abuse prevention inservice

51268 Collaboration to avoid duplication of effort

**Students**

**Alcohol And Other Drugs (continued)**

Legal Reference:

**HEALTH AND SAFETY CODE**

11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds

11361.5 Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11965-11969 The School-Community Primary Prevention Program

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program (Department of Health Services)

**PENAL CODE**

13864 Comprehensive alcohol and drug prevention education

**VEHICLE CODE**

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

**WELFARE AND INSTITUTIONS CODE**

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

**UNITED STATES CODE, TITLE 20**

5812 National education goals

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Alcohol and Other Drugs**

Students shall receive instruction by appropriately trained instructors on drug education and the effects of alcohol, tobacco and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

In grades K through 6, instruction in drug education will be provided by the classroom teachers. (Education code 51260)

In grade 7 and 8, instruction in drug education will be provided in health classes.

Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51260)

The district drug education program shall be augmented by any program provided by county drug education services. (Education Code 51260)

The staff shall intervene whenever students use alcohol, tobacco and other drugs on school property or are under school jurisdiction.

Staff members who believe that a student may be under the influence of alcohol, tobacco or drugs shall immediately notify the principal or designee.

If the principal or designee knows, observes or suspects that the student may be under the influence of alcohol, tobacco or drugs, he/she may notify the parent/guardian. (Education Code 44049)

The principal or designee shall not report a known or suspected instance of alcohol, tobacco or drug abuse by a student to the parent/guardian if this report would require the disclosure of confidential information in violation of law (Education Code 44049)

In severe cases, if the parents/guardians or the school medical personnel are not immediately available, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

#### **1. Possession or Use of Illegal Drugs**

- a. When any student uses or possesses illegal drugs at school or while under school jurisdiction, the following shall result:

- (1) Parent/guardian contact.



**Students**

**Alcohol And Other Drugs (continued)**

- (2) Contact law enforcement authority.
    - (3) One or more days suspension.
  - b. In addition, the following action may be taken:
    - (1) Recommendation of expulsion.
    - (2) Referral to an appropriate community counseling program with the expectation that at least one counseling session will be held during the time of suspension.
    - (3) Transfer/Alternative Placement.
- 2. Possession or Use of Alcohol
  - a. When any student uses or possesses alcohol at school or while under school jurisdiction, the following shall result:
    - (1) Parent/guardian contact.
    - (2) One or more days suspension.
    - (3) Restriction from school activities.
  - b. In addition, the following action may be taken:
    - (1) Contact law enforcement authority.
    - (2) One or more days suspension.
    - (3) Referral to an appropriate community counseling program with the expectation that at least one counseling session will be held during the time of suspension.
    - (4) Transfer/Alternative Placement
- 3. Continued Use or Possession of Alcohol or Other Drugs

**Students**

**Alcohol And Other Drugs (continued)**

When intervention efforts fail and the student continues to use or possess alcohol or other drugs at school or any school activity, he/she shall be expelled.

(cf. 5144 – Discipline)

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

4. Selling or Providing

a. When a student sells or provides alcohol or other drugs at school or while under school jurisdiction, the following shall result:

(1) Parent/guardian contact.

(2) Recommendation of expulsion.

(3) Law enforcement contact.

b. Staff shall notify the principal or designee immediately upon suspecting a student is selling or providing alcohol and other drugs. The principal or designee may notify law enforcement prior to confronting or searching the student.

c. A search for drugs may be made in accordance with the provision of law, Board policy and administrative regulations.

d. When there is good evidence that a student has actually sold or provided alcohol or other drugs or drug paraphernalia on or about the school premises or at school-sponsored functions, law enforcement must be notified. Law enforcement authorities will decide whether they or the school will notify the parent/guardian.

(cf. 5244.11 – Questioning and Apprehension)

(cf. 5145.12 – Search and Seizure)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Tobacco**

Smoking presents a health hazard that can have serious consequences both for the smoker and the nonsmoker. Students shall not be allowed to smoke, chew or possess tobacco or nicotine products on school property or during school hours, at school-sponsored events, or under the supervision of district employees. (Education Code 48901) Students who violate this policy shall be subject to disciplinary procedures that may result in suspension from school. (Education Code 48900)

(cf. 51344.1 – Suspension and Expulsion/Due Process)

The Board shall provide instruction regarding the effects of smoking on the human body and shall take steps to discourage students from making it a practice to smoke (Education Code 48901, 51202)

(cf. 3514 – Safety)

#### Legal Reference:

##### EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

##### HEALTH AND SAFETY CODE

104350-104495 Tobacco use prevention education

##### PENAL CODE

308 Minimum age for tobacco possession

##### UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Weapons and Dangerous Instruments**

The Board of Trustees desires students and staff to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school.

(cf. 3515.3 - District Police/Security Department)

#### **Possession of Weapons**

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds.

(cf. 0450 - Comprehensive Safety Plan)

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

Students possessing or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

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

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

The principal or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

#### **Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

#### **Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

**Students**

**Weapons And Dangerous Instruments (continued)**

The Superintendent or designee may develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records should not identify the student who reported the possession.

Legal Reference:

EDUCATION CODE

- 35291 Governing board to prescribe rules for discipline of the schools
- 48900 Grounds for suspension/expulsion
- 48902 Notification of law enforcement authorities
- 48915 Required recommendation for expulsions
- 48916 Readmission
- 49330-49335 Injurious objects

PENAL CODE

- 245 Assault with deadly weapon
- 417.2 Imitation firearms
- 417.4 Imitation firearm; drawing or exhibiting
- 626.9 Gun-Free School Zone Act of 1995
- 626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception
- 653k Soliciting a minor to commit certain felonies
- 12001 Control of deadly weapons
- 12020-12028.5 Unlawful carrying and possession of concealed weapons
- 12403.7 Weapons approved for self defense
- 12220 Unauthorized possession of a machinegun
- 12401 Tear gas
- 12402 Tear gas weapon
- 12403.7 Weapons approved for self defense
- 12403.8 Minors 16 or over; tear gas and tear gas weapons

UNITED STATES CODE, TITLE 20

- 6301-7941 No Child Left Behind Act; especially:
- 7151 Gun-Free Schools Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Weapons and Dangerous Instruments**

Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Knives: any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade (Education Code 48915)
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun (Penal Code 626.10)
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
6. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900)

If an employee knows that a student possesses any of the above devices, he/she shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

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

**Students**

**Weapons and Dangerous Instruments (continued)**

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

The principal shall report any possession of a weapon or dangerous instrument, including imitation firearm, to the student's parents/guardians by telephone or in person.

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005



## Students

## BP 5132 (a)

### Dress and Grooming

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction that would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action. Copies of the District's Dress Code will be distributed and available to parents and students. (AR 5132)

The Board of Trustees recognizes that specific cases will be a judgment area of the principal of the school. Details and specific rules that apply shall be an administrative decision.

Clothing worn should correspond with the demands and attributes of the activity in which students participate.

Footwear standards are concerned with prevention of accidents and injury. Shoes shall be worn at all times except under specific conditions. Students must also consider physical education requirements in their selection of shoes. Open footwear such as flip-flops, sandals or open-toed shoes that do not have a back strap, slippers, or soft-soled shoes are unacceptable.

The principal and staff of each school may establish reasonable regulations regarding students who voluntarily engage in extracurricular or other special school activities. These supplemental regulations shall apply only during the length of the activity involved.

Students are expected to attend school in clean, neat clothing. It is the mission of the school district to not only provide academic education but also provide education in morals, manners, dress and grooming because these are elements of good citizenship. Research has shown that student dress and appearance affect student attitudes and conduct. These guidelines are intended to define "appropriate student attire" and personal grooming. Their purpose is to prevent disruption of the classroom atmosphere, enhance classroom decorum, eliminate disturbances along other students in attendance and minimize distraction of other students so as not to interfere with the educational process. It is also intended to help protect the health and welfare of the individual student.

All students should abide by the District Dress Code and any special school regulations. (AR5132)

### Gang-Related Apparel

The principal and staff at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities.

### Uniforms

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



## **Students**

**BP 5132 (a)**

### **Dress And Grooming (continued)**

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

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

#### Legal Reference:

##### EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms 35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

##### CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; June 20, 2011; October 2, 2023

## **Students**

### **Dress and Grooming**

Students are expected to dress appropriately to ensure an educational environment that is safe and conducive to learning. Student dress and grooming that is unsafe or distracting is unacceptable.

1. Hair shall be clean and neatly groomed. Aerosol cans of hair color are not permitted at school.
2. Shoes must be worn at all times. For safety purposes, sandals and any open toed shoes should be held in place with a heel strap.
3. Commercial lettering or printing will be allowed on shirts and sweatshirts as long as it is acceptable for school attire. Crude or vulgar printing or pictures depicting drugs, alcoholic beverages, or those that are sexually suggestive are not acceptable.
4. Long pants are allowed for both girls and boys. The fullness must not interfere with the normal school activities and they must be clean and neat at all times.
5. Shorts may be worn unless prohibited by the school principal or school rules and must be of moderate length, not unduly short.
6. Hats, caps, and other types of head coverings should not be worn inside buildings unless for sun protection or with the permission of the principal.
7. All clothing shall be within the bounds of decency and good taste as appropriate for school. Garments shall be sufficient to conceal undergarments at all times.
  - Dress length shall be within the bounds of decency and good taste and no shorter than mid-thigh.
  - No bare midriffs, low-cut or revealing tops, or "off the shoulder" blouses shall be worn.
  - No garment may be worn that is cut-off, ragged, or torn.
  - No "see-through" or "fish-net" type of blouse or shirt may be worn.

Students violating any part of this dress code will be issued one warning and sent home to change into appropriate clothing, if necessary. The second violation of the same nature will result in the student being referred to the principal for discipline.

## Dress/Clothing Guidelines Specific for All LJSD Schools

Lowell Joint SD encourages students to dress appropriately for school. Since we are an educational institution, the daily clothing/attire should be conducive toward an educational environment and should not be disruptive of school operation and the educational process as determined by school administration. Detentions will be given for dress code violations. Students will be required to change in to school provided clothing. Dress or grooming is prohibited if it:

- affects the safety of that student or others
- Is disruptive to the learning process
- is immodest as determined by the school administration
- does not follow outlined school dress code

Clothing must cover the front and the back of the student. No T-back or off-the-shoulder shirts or shirts with cut off sleeves or oversized armholes. No undergarments should be visible and no “see-through” or “fish-net” type shirts are to be worn. Bare midriffs, spaghetti straps, tank tops, and halter tops are unacceptable. No sleepwear or slippers are allowed. Plain white T- shirts cannot be worn alone. No oversized, baggy clothing is allowed. Boys may not wear tank tops or sleeveless shirts. District hats or caps may be worn on campus during P.E. only for sun protection as needed. Hoods with sweatshirts may not be worn on your head. Footwear, which meets district criteria, must be worn. **No flip flops or slides are to be worn.**

Clothing which promotes the illegal or commercial use of drugs, alcohol, vaping, or tobacco/nicotine products or that includes sexual innuendo or profanity is not permitted. Styles of clothing (jackets, initial belt buckles, shirts, hats, accessories, Old English lettering, make-up, hair, etc.) which symbolize affiliation with negative youth groups, such as gangs or cults, are not allowed. Clothing and jewelry such as studded belts, bracelets and safety pins, which poses a threat to the health and safety of students or the learning environment are not to be worn. (See district dress code in first day packet for a more detailed explanation.) No facial piercing or writing on the skin is allowed. Earrings must be appropriate. Ear “plugs” and “tapers/stretchers” are not allowed at school. Ripped jeans are not allowed; with or without leggings underneath.

**HAIR** – Hair styles must not be a distraction from the learning process. Hair must be a natural occurring color as to not cause distraction to the learning environment. Kool-Aid dyed hair is not appropriate. All synthetic extensions must be a natural hair color. Words, numbers or designs in hair are not permitted.

## Lowell Joint School District

11019 Valley Home Avenue  
Whittier, CA 562-943-0211  
www.ljisd.org



### BOARD OF TRUSTEES

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Mrs. Anastasia Shackelford  
Mrs. Karen Shaw  
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Carl Erickson  
Assist. Supt. of Administrative Services  
  
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Asst. Supt. of Business Services  
  
Dr. Sheri McDonald  
Assist. Supt. of Educational Services  
  
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### SCHOOL PRINCIPALS

El Portal School (562) 902-4211  
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Jordan School (562) 902-4221  
Dr. Marikate Elmquist, Principal  
  
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Meadow Green School (562) 902-4241  
Mr. Matt Cukro, Principal  
  
Olita School (562) 902-4251  
Mrs. Krista Van Hoogmoed, Principal  
  
Rancho-Starbuck Intermediate  
(562) 902-4261  
Dr. Jennifer Jackson, Principal

## Lowell Joint School District DRESS CODE



Dear Parents:

The Lowell Joint School District is fortunate to have parents and a community that are supportive of maintaining a positive and safe learning environment for students. The Board of Trustees is committed to providing positive learning opportunities and an excellent academic foundation. A dress code describing appropriate dress for students is one step in this process. For our students' safety and to send a positive message to everyone that the schools in the Lowell Joint School District are outstanding schools, we are providing the following guidelines for student dress as indicated in this brochure.

**We strongly urge parents to restrict their students' dress to appropriate and acceptable items and to be aware of what will be prohibited when purchasing new school clothes and footwear.**

# LOWELL JOINT SCHOOL DISTRICT - Dress Code

All students are required to dress appropriately for school. Daily clothing and attire should be conducive to an educational environment and must not be disruptive to the school operation and educational process.

Dress or grooming is prohibited if it:

1. Affects the safety of that student or others,
2. Is disruptive and distracting to the learning process,
3. Is immodest as determined by school administration.

## Attire Prohibited at Schools Includes:

### Shirts and Jackets

Any shirt, tee shirt, or jacket, which is determined to be gang related or which, has crude or vulgar language, inappropriate drawings, or tobacco or alcoholic beverages. Any shirt or jacket, which is dramatically oversized and inappropriate for the wearer. Clothing which does not cover the front and back of the student. Bare midriffs, low-cut shirts, spaghetti straps, tank tops and halter tops are unacceptable. Undergarments should never be visible. Clothing should be modest and must not detract from the educational environment. Any shirt or jacket with any lettering or symbols found to be offensive to a reasonable person, gang related, or in poor taste is prohibited.

### Pants/Shorts

All pants and shorts that are too tight, too short, or are oversized are inappropriate for the wearer. Pants with holes are not allowed. Knee-length, long, and/or oversized type shorts which are worn with knee-high socks are unacceptable. Pants that do not fit at the waist and inseams with excessively lowered crotch areas are not allowed. Leggings without pants, shorts, or a dress over them are not allowed.

### Footwear

Footwear must be appropriate for all school activities, including physical education and recess. Sandals and open-toed shoes that do not have a back strap are not suitable for physical education.

### Hair and Jewelry

Any distracting hairstyle including dying of unnatural colors, shaving, and letters formed by shaving portions of the head are unacceptable. The principal will determine which hairstyles are unacceptable and can potentially cause a distraction to the learning environment. Any items of jewelry, which include leather straps, metal studs, and metal spikes in its construction. No facial piercing or writing on the skin is allowed. Earrings must be appropriate. Ear "plugs" and "tapers/stretchers" are not allowed at school.

### Accessories

Suspenders which are referred to as "braces" by the wearer and which are continually worn hanging slack from the waist are not allowed. All suspenders and/or shoulder straps designed to hold up pants or the front of pants, which are not worn over the shoulders and fastened appropriately. "Biker" wallets, or any wallets suspended by a chain from the waist of the wearer. Any promotion buttons or bracelets, which refer to racial pride, White supremacy, or deemed inappropriate by a reasonable person.

All hats and other head wear, unless specifically designated for religious purposes, specific medical reasons, or sun protection are not allowed. Hats worn for sun protection should meet the criteria of the District Policy. The hats are to be crushable type with a brim not to exceed two inches which encircles the hat.

— — — — —

Your cooperation in protecting the safety of our students and preventing the spread of gang activities to our schools and community is appreciated by the Board of Trustees, the administration, and the teachers and staff members of the District.

Parents and students should review the school rules and dress code which are distributed by each school at the beginning of each school year. For more specific dress code provisions, parents, and students are encouraged to contact their local school principal. Those rules will be enforced by school officials and the Board of Trustees. Persistent violation of the rules can lead to suspension and/or expulsion.

**Students**

**Gifts to School Personnel**

The Board of Trustees believes that feelings of appreciation can be expressed in many ways. The Board discourages students and parents/guardians from giving gifts to staff members, and instead encourages them to write personal notes of appreciation. When accepting gifts, staff should be sensitive to the feelings of other students and use discretion if gifts are opened in front of others.

(cf. 3452 - Student Activity Funds)

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Gangs**

The Board of Trustees seeks to keep district schools and students free from the threats or harmful influence of any groups or gangs that advocate the use of tobacco, alcohol and drugs, violence, disruptive behavior, or any other socially or legally unacceptable actions or behaviors. The principal or designee and the staff shall maintain continual, visible supervision of school premises so as to deter gang activity, intimidation of students and confrontations between other gang members and noninvolved students.

The superintendent and principal or designee shall maintain open lines of communication with law enforcement agencies to report suspected gang activity and seek mutual support for gang prevention and suppression. Every effort should be made by the staff to maintain current knowledge of the symbols, articles of clothing and other manifestations of gang-related activities. If possible, in-service of staff should be provided to enhance the current knowledge.

The Board of Trustees will not allow any gang-related activity, gang communication, or gang attire on any of its school campuses or at any school activity. The following standards will be enforced:

1. Gang related activities (initiations, verbal and physical intimidation) will not be tolerated on school campuses.
2. No clothing or articles of clothing (including, but not limited to gloves, bandannas, shoestrings, belt buckles and jewelry) related to a group or gang, which may provoke others to acts of violence or to be intimidated by fear of violence, shall be worn on campus or at any school activity.
3. No clothing, jewelry or accessories (including, but not limited to, spiked accessories, double rings and chains) which pose a threat to the physical well-being and safety of the student or others shall be worn on campus or at any school activity.
2. Gang names and logos are not permitted on school property or on students' materials used at school (notebooks, folders, book covers, assignments, etc.).

Students violating this policy will be subject to school and district disciplinary procedures including suspension and expulsion.

**Students**

**Gangs (continued)**

Legal Reference:

EDUCATION CODE

32230-32239 School Violence Reduction Program

35183 Gang-related apparel

35294.1 School safety plans

48907 Student exercise of free expression

51264 Educational inservice training; CDE guidelines

51265 Gang violence and drug and alcohol abuse prevention inservice training

51266-51266.5 Model gang and substance abuse prevention curriculum

58730-58736 Gang Intervention Programs

PENAL CODE

186.22 Participation in criminal street gang

13826-13826.7 Gang violence suppression

PUBLIC LAW 107-110

4001-4304 Safe and Drug-Free Schools and Communities Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

**Positive School Climate**

The Board of Trustees desires to provide an orderly and caring learning environment in which students work diligently on their studies, feel comfortable, share responsibility for maintaining a positive school climate, and take pride in their school and their achievements. District staff members shall encourage and reward success and achievement, participation in community projects, and positive student conduct.

(cf. 5123 - Awards for Achievement)

(cf. 6142.4 - Community Service)

The District shall encourage attitudes and behaviors that promote mutual respect and harmonious relations. The Superintendent or designee may initiate campus beautification projects, buddy systems, vandalism prevention campaigns, and other programs in which students may identify and solve problems that affect their schools.

(cf. 5146 - Campus Disturbances)

(cf. 5144 - Gangs)

Students shall not: bully or injure other students; use vulgar, obscene or inflammatory language which challenges others toward violence; or damage or deface school or personal property. Students who do so shall be subject to appropriate counseling and discipline in accordance with law.

(cf. 5184 - Freedom of Speech/Expression: Publications Code)

(cf. 5183 - Sexual Harassment)

The Board of Trustees encourages classroom use of conflict resolution and cooperative learning techniques and other strategies that foster positive social interactions among students. The District shall provide instruction and counseling designed to promote positive student relationships, help students understand diverse cultures, teach them to think critically, and show them how to deal with discriminatory behavior in appropriate ways.

(cf. 6161 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6141.6 - Multicultural Education)

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so.

(Education Code Section 234.1(b)(1))



**Positive School Climate (continued)**

Legal Reference:

**EDUCATION CODE**

234.1 Monitoring, review, and assessment of anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying requirements

35160 Authority of governing boards

35160.1 Broad authority of school districts

48907 Student exercise of free expression

48950 Freedom of speech

48900.3 Hate Violence

48900.4 Harassment, Intimidation

## **Students**

### **Health Care and Emergencies**

The Board of Trustees is committed to providing quality educational programs in a safe, orderly environment. To this end, the Board of Trustees recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health or welfare of a student at school or during school-sponsored activities.

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when student accidents and injuries occur and that parents/guardians are notified, as appropriate. The Board of Trustees authorizes the placement of Automated External Defibrillators (AEDs) at designated school sites for use by designated personnel who have volunteered to receive training in the use of AEDs.

The Superintendent or designee shall develop guidelines for employees regarding the use and location of these devices and shall ensure that designated personnel receive training on the proper use and handling. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in District schools shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present and/or able to use an AED in an emergency or any expectation that the AED will operate properly.

The Superintendent or designee shall ask parents/guardians to provide emergency information in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

District staff shall appropriately report and document student accidents.

(cf. 5141.1 - Accidents)

### **Resuscitation Orders**

The Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders unless they have been informed by the Superintendent or designee that the request to accept such an order has been submitted to the Superintendent or designee, signed by the parent/guardian, and supported by a written statement from the student's physician and an order from an appropriate court.

**Students**

**Health Care and Emergencies (continued)**

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49407 Liability for treatment

49408 Information for use in emergencies

49409 Athletic events, physicians and surgeons; emergency medical care; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

CIVIL CODE

1714.21 Defibrillators; CPR; Immunity from civil liability

FAMILY CODE

6550-6552 Caregivers

HEALTH AND SAFETY CODE

1797.21 Defibrillators, CPR; immunity from civil liability

CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; May 18, 2009

## **Students**

### **Health Care and Emergencies**

#### Emergency Contact Information

In order to facilitate contact in case of an emergency or accident, parents/guardians shall furnish the Principal or designee with the current information specified below:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Parent/guardian's cell phone number and e-mail address, if applicable
4. Name, address and telephone number of a relative or friend who is authorized by the parent/guardian to care for the student in cases of emergency when the parent/guardian cannot be reached
5. Local physician to call in case of emergency

Under Education Code 49407, no school district shall be held liable for the reasonable treatment of a student without the consent of the parent/guardian when the student requires medical treatment and the parent/guardian cannot be reached, unless a written objection to medical treatment has been filed with the school district.

#### Consent by Caregiver

Any person 18 years of age and older who files with the district a completed caregiver's authorization affidavit for a minor District student shall have the right to consent to or refuse school-related medical care on behalf of student. The caregiver's authorization shall be invalid if the district receives notice from the caregiver that the minor student is no longer living with the caregiver. (Family Code 6650)

The caregiver's consent to medical care shall be superseded by a contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety. (Family Code 6550)

(cf. 5111.11 - Residency of Students with Caregiver)

## Automated External Defibrillators

The Board of Trustees hereby establishes a program for the placement, training, use and maintenance of Automated External Defibrillators (AEDs) for the use in medical emergencies by trained and specifically authorized employees on an unconscious person who has no signs of circulation.

All AEDs will be maintained and regularly tested according to the procedures required by the manufacturer's operation and maintenance guidelines. District Nurses will facilitate and oversee the AED implementation plan.

1. AEDs will be wall-mounted and have appropriate brochures posted next to them. AEDs are not to be removed for activities off campus.
2. AEDs will be available for usage on students, staff members, and/or the public.
3. Annual AED training is required.
4. AED implementation guides and reference manuals will be provided.

When an automated external defibrillator (AED) is placed in the school, the Principal or designee shall ensure that: (Health and Safety Code 1797.196)

1. School employees annually receive a brochure, with contents and style approved by the American Heart Association or American Red Cross that describes the proper use of an AED
2. The American Heart Association or American Red Cross brochure or similar information is posted next to every AED
3. School employees are annually notified of the location of all AED units on school grounds

The Principal shall designate the trained employees who shall be available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds. (Health and Safety Code 1797.196)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; May 18, 2009

## **Students**

### **Accidents**

Although the district makes every reasonable effort to prevent student accidents and injuries, accidents occur. The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible and that parents/guardians are notified of accidents.

Universal precautions shall be observed whenever it is possible that students, employees or others may have contact with blood or body fluids as a result of the accident.

(cf. 4119.43 - Universal Precautions)

District staff shall appropriately report and document student accidents.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5142 - Safety)

(cf. 5143 - Insurance)

#### Legal Reference:

##### EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49408 Emergency information

49409 Athletic events; emergency medical care; physicians and surgeons; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

##### CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

**Administering Medication & Monitoring Health Conditions**

The Board of Trustees recognizes that students may need to take prescribed medication during the school day in order to be able to attend school without jeopardizing their health.

When the district has received written statements from the student's physician and parent/guardian, designated personnel shall assist the student in taking the medication. In addition, upon written request, designated personnel may assist the student in monitoring, testing or other treatment of an existing medical condition. (Education Code 49423)

(cf. 3530 - Risk Management/Insurance)  
(cf. 5141.24 - Specialized Health Care Services)

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

(cf. 4119.43 - Universal Precautions)  
(cf. 5141.23 - Infectious Disease Prevention)

**Anaphylactic Injections**

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware of this foreseeable need may ask the district to provide such injections in accordance with administrative regulations.

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be afforded appropriate liability protection.

(cf. 5141 - Health Care and Emergencies)

**Students**

**Administering Medication and Monitoring Health Conditions (continued)**

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Emergency information

49423 Administration of prescribed medication for student

49423.5 Specialized health care services

49426 School nurses

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Students**

### **Administering Medication and Monitoring Health Conditions**

Before a designated employee assists in the administration of any prescribed medication to any student during school hours, the district shall have: (Education Code 49423)

1. A written statement from the student's physician detailing the method, amount and time schedules by which the medication is to be taken
2. A written statement from the student's parent/guardian requesting the district to assist the student in taking the medication as prescribed by the physician

Parents/guardians shall be asked to provide a properly labeled pharmacy bottle containing the name and telephone number of the pharmacy, the student's identification, name of the physician, and dosage of the medication to be given.

The designated employee shall:

1. Be responsible for the medication at school and administer it in accordance with the physician's indicated instructions
2. Maintain a list of students needing medication during school hours, including the type of medication, times, and dosage
3. Maintain a log recording the student's name and the time and date when medications were given
4. Keep all medication in a locked drawer or cabinet

Parents/guardians who request that a student be allowed to self administer, monitor or treat his/her existing medical condition must make this request in writing and provide written approval by the student's physician.

### **Notifications**

The Superintendent or designee shall inform all parents/guardian of the following requirements: (Education Code 49480)

1. The parent/guardian of a student on a continuing medication regimen from a nonepisodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.

**Students**

**Administering Medication and Monitoring Health Conditions (continued)**

2. With the parent/guardian's consent, the school nurse may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the drug on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

**Anaphylactic Injections**

1. Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections.
2. Each year, school employees designated by the principal shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.
3. The principal or designee shall schedule inservice meetings to:
  - a. Familiarize authorized staff with the prescribed medications and their location
  - b. Ensure that authorized staff are competent to administer anaphylactic injections
  - c. Train all school personnel to recognize the symptoms of anaphylactic reactions

Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.

4. The principal or designee shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all concerned staff and updated annually.
5. All medication for injections shall be labeled with the student's name, type of medicine and expiration date.
6. The parents/guardians of students who carry their own kits for the purpose of anaphylactic injections shall so inform the principal or designee, who shall prepare a list naming these students, give it to concerned staff and update the list annually.

**Students**

**Administering Medication and Monitoring Health Conditions (continued)**

7. The principal or designee shall post in the school health office a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff are not available at the time of an emergency, this written procedure will be followed by anyone who must administer the injection in order to save a life.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Infectious Diseases**

The Board of Trustees desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students.

The Superintendent or designee shall determine whether to admit a student with an infectious disease, and shall exclude students only in accordance with law. In making this determination, he/she shall consult the student's parents/guardians, the student's physician and/or the county health department, in accordance with law and consistent with confidentiality provisions. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV) are not casually transmitted, the sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

- (cf. 5112.2 - Exclusions from Attendance)
- (cf. 5141.26 - Tuberculosis Testing)
- (cf. 5141.3 - Health Examinations)
- (cf. 6158 - Independent Study)
- (cf. 6159 - Individualized Education Program)
- (cf. 6183 - Home/Hospital Instruction)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No district employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian or adult student. Such information shall be shared only with those persons specifically named in the written permission.

- (cf. 5125 - Student Records)
- (cf. 5022 - Student and Family Privacy Rights)

The Board requires students and staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and to prevent the spread of all infectious disease.

- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)
- (cf. 5141.23 - Infectious Disease Prevention)
- (cf. 6142.2 – Recognition of Religious Beliefs and Customs)

**Students**

**Infectious Diseases (continued)**

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49073-49075 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of student information

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121020 Mandated blood testing and confidentiality to protect public health

120980 Unauthorized disclosures

121010 Disclosure to certain persons without written consent

121475-121520 Tuberculosis tests for pupils

CALIFORNIA CODE OF REGULATIONS, TITLE 8

5193 Bloodborne pathogen standards

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Health Examinations**

The Governing Board recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the district shall administer tests for vision, hearing and scoliosis as required by law.

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 5141.6 - Student Health and Social Services)

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

(cf. 5125 - Student Records)

Reports to the Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

#### Legal Reference:

##### EDUCATION CODE

44871-44879 Employment qualifications

49400-49413 General powers-school boards (re pupil health)

49422 Supervision of health and physical development

49450-49457 Physical examinations (of pupils)

49460-49466 Development of standardized health assessments

##### HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for pupils

##### CODE OF REGULATIONS, TITLE 5

590-596 Vision screening

3027 Hearing and vision screening for special education

3028 Audiological screening

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Health Examinations**

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

### **Vision and Hearing Tests**

Students shall have their vision and hearing tested by qualified personnel authorized by the district. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (Education Code 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)

**Students**

**Health Examinations (continued)**

Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;



## **Students**

### **Immunizations**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

Students entering a district school or child care and development program, or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5148 - Child Care and Development)

Each transfer student shall present his/her immunization record certifying that he/she has received all required immunizations currently due before he/she is admitted to school, unless otherwise authorized by the principal or designee.

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student Health and Social Services)

(cf. 5145.6 - Parental Notifications)

#### Legal Reference:

##### EDUCATION CODE

46010 Total days of attendance

48216 Immunization

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

##### HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease especially:

120335 Immunization requirement for admission

120440 Disclosure of immunization information

##### CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Immunizations**

The Superintendent or designee shall not unconditionally admit any student to a district school or child care and development program unless that student has presented documentation of full immunization. (Health and Safety Code 120335)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5148 - Child Care and Development)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

#### **Immunizations for Grades K-12**

Students entering the district in grades kindergarten through 8 shall have received the following immunizations: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps and rubella (MMR) vaccine
  - a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one dose may be a measles-only vaccine.
  - b. Mumps vaccine shall not be required for students age seven or older.
  - c. Students entering or advancing to seventh grade shall be required to have a second dose of measles-containing vaccine if they have not previously obtained a second dose.
2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or TDaP)
  - a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at least one dose was given on or after the fourth birthday.
  - b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.

**Students**

**Immunizations (continued)**

- c. Pertussis immunization shall not be required for students age seven or older.
  - d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh-grade students who have not had a booster within the past five years.
  - e. All students entering 7<sup>th</sup> grade must receive the pertussis (Tdap) booster shot prior to the first day of school. Students who cannot provide documentation of a recent Tdap booster must be excluded from school attendance until proof of the Tdap booster is provided.
3. Poliomyelitis (polio) vaccine
- a. Four doses shall be required at any age. However, three doses shall meet the requirement for ages four through six if at least one dose was given on or after the fourth birthday, and three doses shall meet the requirement for ages seven to seventeen if at least one dose was given on or after the second birthday.
4. Hepatitis B vaccine
- a. Three doses shall be required for entry into kindergarten.  
  
Students admitted at the kindergarten level or below before August 1, 1997, shall be exempt from this requirement.
  - b. Students shall not be unconditionally admitted or advanced to seventh grade unless they have been fully immunized against hepatitis B. A student who has previously had three doses of hepatitis B vaccine at any age before seventh grade shall not be required to receive any additional shots.
5. Varicella (chickenpox) vaccine
- a. Any student admitted at the kindergarten level or above before July 1, 2001, shall be exempt from this requirement for school entry.

Students who skipped kindergarten shall meet immunization requirements for hepatitis B and a second measles dose prior to entering first grade.

## **Students**

### **Immunizations (continued)**

Students transferring into the district at a grade other than kindergarten or seventh grade shall be exempt from the requirement for a second measles dose or hepatitis B immunization.

#### Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine. (Health and Safety Code 120335)

Other immunization requirements for children below kindergarten level depend on the child's age as specified in 17 CCR 6020.

#### Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370, 120375; 17 CCR 6051)

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120365)

#### Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from his/her parent/guardian or physician.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 6183 - Home and Hospital Instruction)

## **Students**

### **Immunizations (continued)**

Before a student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

### **Conditional Enrollment**

The Superintendent or designee may conditionally admit a student with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission
2. He/she has a temporary exemption from immunization for medical reasons

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

**Students**

**Immunizations (continued)**

Records

The Superintendent or designee shall record each new entrant's immunizations in the mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law.

(Health and Safety Code 120375, 120440; 17 CCR 6070)  
(cf. 5125 - Student Records)

## **Students**

### **Child Health and Disability Prevention Program**

When parents/guardians enroll their children in kindergarten, the district shall inform them about their obligation to obtain or waive a health screening for their children before they enter first grade. The district shall also inform them about the availability of free health screening for low-income children, as provided under the Child Health and Disabilities Prevention Program. (Health and Safety Code 124100, 124105)

The above information shall be provided with notifications about immunization requirements and when parents/guardians enroll any first grade children who have not attended kindergarten in the district. The district shall encourage parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

(cf. 5141.31 - Immunizations)

(cf. 1020 - Youth Services)

#### **Certification /Waiver of Health Screening**

Within 90 days after a student's entrance into first grade, his/her parent/guardian shall provide the Superintendent or designee with the completed certification form documenting that the student has obtained the health screening within the prior 18 months. (Health and Safety Code 124085)

In lieu of the certificate, parents/guardians may submit a waiver indicating that they do not want or unable to obtain a health screening. If the waiver indicates that the parent/guardian was unable to obtain the services, the reasons should be included in the waiver. (Health and Safety Code 124085)

Upon request, the Superintendent or designee shall provide a parent/guardian with a waiver form developed by the DHS.

The Board shall exclude from school, for up to five days, any first grade student who does not present evidence of a health screening or an appropriate waiver on or before the 90th day after entering the first grade. This exclusion shall begin on the 91st calendar day after the student's entrance into the first grade. If school is not in session that day, the exclusion shall begin on the next succeeding schoolday. Within limits established in law, the Superintendent or designee may exempt from exclusion students whose parents/guardians failed to respond to district attempts to obtain evidence of health screening or a signed waiver. (Health and Safety Code 124105)

**Students**

**Child Health and Disability Prevention Program (continued)**

Legal Reference:

HEALTH AND SAFETY CODE

104395 Child Health and Disability Prevention Program expansion

124025-124100 Child Health and Disability Prevention Program, especially:

124085 Certificate of receipt; health screening and evaluation services; waiver by parent or guardian

124100 Distribution of program information to parents/guardians of kindergarten children

124105 Exclusion and exemptions; legislative intent of notification contents

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;



## **Students**

### **Head Lice**

To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student and Social Services)

The Superintendent or designee shall send home the notification required by law for excluded students. (Education Code 48213)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5145.6 - Parental Notifications)

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

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

Excluded students may return to school when (1) they bring a note from the parent/guardian verifying treatment, and (2) reexamination by the nurse or designee shows that all nits and lice have been removed.

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49451 Physical examinations: parent's refusal to consent

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Child Abuse Reporting Procedures**

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

Employees who are mandated reporters, as defined by law and administrative regulations are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

Known or suspected instances of child abuse shall be immediately reported to the principal of the school that the child attends who will then report his/her action and to the Superintendent.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

A single report may be made whenever two or more people know of a known or suspected case of child abuse, and with mutual consent of those present, one person can write and sign the written report, except that if the person does not do so, one of the other persons shall make the report.

Known or reasonably suspected case where mental suffering has been inflicted on a child, or where the emotional well-being of a child is endangered in any way may also be reported to the Superintendent, principal and child protective agency.

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse, the Superintendent and/or principal, if requested by the peace officer, shall not notify the parent or guardian as required in other instances of removal of a child from the school, but rather shall provide the peace officer with the address and telephone number of the child's parent or guardian.

(cf. 4112.8 – Signed Statements)

**Students**

**Child Abuse Reporting Procedures**

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33308.1 Guidelines on procedure for filing child abuse complaints

44690-44691 Staff development in the detection of child abuse and neglect

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

PENAL CODE

152.3 Duty to report murder, rape or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Child Abuse Reporting Procedures**

Step 1 When any member of our staff suspects child abuse, he/she may immediately report (verbally or in writing) the concern to the principal of the school that the student attends. It is important that contact with parents and other staff members should not occur until after Step 2. Staff members may contact the appropriate child protection agency or utilize Step 2 of these procedures.

Step 2 Upon receiving the oral or written report of the suspected child abuse, the principal will immediately review the case and involve appropriate individuals in determining further action. The principal will report the suspicion and the results of his/her review to the Superintendent and inform all individuals involved of his/her recommendations and/or action.

Step 3 After reviewing the report of the principal, the Superintendent may take further appropriate action to protect the welfare of the child. This may include filing a report and additional measures if the immediate safety of the child is in jeopardy. In extreme cases, action seeking court custody of the child may be necessary.

None of the above procedures are designed to impede or prohibit the direct reporting by employees to child protective agencies.

### **Definitions**

Child Abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

## Students

### Child Abuse Reporting Procedures (continued)

3. An injury resulting from the exercise by a teacher, vice principal, principal or other certificated employee or the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

(cf. 5144 – Discipline)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

Mandated reporters include but are not limited to teachers; instructional aides; teacher's Aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; and administrators, presenters, or counselors of a child abuse prevention program. (Penal Code 1165.7)

“Reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

### Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage based on evidence of severe anxiety, depression, withdrawal or untoward aggressive behavior toward self or others may make a report to the appropriate agency. (Penal Code 11166.05)

## **Students**

### **Child Abuse Reporting Procedures (continued)**

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission or a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace or fear of immediate and unlawful bodily injury where the victim is a child under age 14. (Penal Code 152.3, 288)

#### Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child who he/she knows or reasonable suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

#### 1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a report by telephone to any police department, sheriff's department, county probation department if designated by the county to receive such reports or county welfare department.

#### 2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report, which includes a completed Department of Justice form. (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the above form from either the district or the appropriate agency.

## **Students**

### **Child Abuse Reporting Procedures (continued)**

#### 3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to the appropriate agency. When so notified the principal shall inform the Superintendent or designee.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

The mandated reporter shall not be required to disclose his/her identity to the principal. (Penal Code 11166)

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name. Reporting the information to an employer, supervisor, school principal, school counselor, co-worker or other person shall not be a substitute for making a mandated report to the appropriate agency.

#### Victim Interviews

Whenever a representative of an agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.

## **Students**

### **Child Abuse Reporting Procedures (continued)**

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

#### **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse, the Superintendent and/or principal shall not notify the parent or guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent or guardian. It is the responsibility of the peace officer to notify the parent or guardian of the situation. (Education Code 48906)

Peace officers will be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 – Questioning and Apprehension)

#### **Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with procedures that describe how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding these procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 – Complaints Concerning District Employees)

In addition, if the child is enrolled in special education a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 – Uniform Complaint Procedures)



**Students**

**Child Abuse Reporting Procedures (continued)**

Notifications

The Superintendent or designee shall provide all new employees who are mandated reporters a statement that informs them that they are mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 111.67. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;

## **Students**

### **Sun Safety**

The Board of Trustees recognizes that overexposure to ultraviolet (UV) radiation from the sun and artificial sources such as sunlamps and tanning beds is linked to the development of skin cancer, eye damage, premature aging, and a weakened immune system and that children are particularly vulnerable to the effects of overexposure. The Board desires to support the prevention of excessive UV radiation exposure by students and to assist students in developing sun-safe habits to use throughout their lives.

The Superintendent or designee shall establish a developmentally appropriate prevention/intervention program for grades K-12 to prevent student overexposure to UV radiation. He/she may coordinate sun safety and UV radiation education and policy efforts with the California Department of Health Services, the local health department, and other local agencies and/or community organizations. He/she shall involve students, parents/guardians, and the community in support of such school-based programs.

The Superintendent or designee shall incorporate sun safety elements into the curriculum in order to increase students' understanding of the health risks associated with overexposure to UV radiation from the sun or artificial sources and to encourage students to engage in preventive practices.

Students shall be encouraged to take reasonable measures to protect their skin and eyes from overexposure to the sun while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees.

To encourage and assist students to avoid overexposure to the sun when they are outdoors:

1. Students shall be allowed to wear sun-protective clothing, including, but not limited to, hats. (Education Code 35183.5)
2. Students shall be allowed to wear UV-protective sunglasses outdoors.
3. Students shall be allowed to use sunscreen during the school day without a physician's note or prescription. (Education Code 35183.5)
4. Students shall be allowed to use UV-protective lip balm.

The Superintendent or designee shall evaluate the adequacy of shaded and/or indoor areas for recreation at each school and shall consider the provision of sufficient shaded areas in plans for new construction or modernization of facilities.

**Sun Safety (continued)**

Staff shall be encouraged to model recommended sun-safe behaviors, such as avoiding excessive sun exposure, using sunscreen, and wearing hats and other sun-protective clothing. The Superintendent or designee shall inform school staff and parents/guardians of the District's sun safety measures and shall encourage parents/guardians to provide sunscreen, lip balm, hats, and other sun-protective clothing for their children to use at school. The Superintendent or designee also may provide information to parents/guardians about the risks of overexposure to UV radiation and preventive measures they may take to protect their children during nonschool hours.

Legal Reference:

EDUCATION CODE

35183.5 Sun protection

51210 Courses of study, grades 1-6

51220 Courses of study, grades 7-12

51890-51891 Comprehensive health education programs

Management Resources:

CSBA GOVERNANCE AND POLICY SERVICES BRIEFS

Sun Safety in Schools, July 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

School Systems: The Importance of Promoting and Providing Sun Protection, 2006

California Early Childhood Sun Protection Curriculum, rev. April 1999

CALIFORNIA STATE PTA RESOLUTIONS

Sun Safety: Skin Cancer Prevention Measures at School, May 1, 2005

CENTERS FOR DISEASE CONTROL PUBLICATIONS

Guidelines for School Programs to Prevent Skin Cancer, April 26, 2002

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION

Fit, Healthy and Ready to Learn: Part II: Policies to Promote Sun Safety and Prevent Skin Cancer, 2002

WORLD HEALTH ORGANIZATION PUBLICATIONS

Sun Protection and Schools: How to Make a Difference, 2003

Sun Protection: A Primary Teaching Resource, 2003

WEB SITES

American Association for Health Education: <http://www.aahperd.org/aahe>

American Cancer Society: <http://www.cancer.org>

American School Health Association: <http://www.ashaweb.org>

California Department of Education, Health Services: <http://www.cde.ca.gov/ls/he>

California Department of Health Services, Skin Cancer Prevention Program:  
<http://www.dhs.ca.gov/ps/cdic/cpns/skin>

**Sun Safety (continued)**

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

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

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

National Council on Skin Cancer Prevention: <http://www.skincancerprevention.org>

National Safety Council, Environmental Health Center: <http://www.nsc.org/ehc/sunSAFE.htm>

Sun Safety for Kids: <http://www.sunSAFETYforkids.org>

U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>

U.S. Environmental Protection Agency, Sunwise Program: <http://www.epa.gov/sunwise>

UV Index: <http://www.epa.gov/sunwise/uvindex.html>

World Health Organization: <http://www.who.int>

Policy Adopted: February 7, 2012

## **Students**

### **Safety**

The Board of Trustees recognizes the importance of providing a safe school environment in order to help ensure student safety and the prevention of student injury. The Superintendent or designee shall endeavor to implement appropriate practices to minimize the risk of harm to students, including practices relative to school facilities and equipment, outdoor environment, educational programs and school-sponsored activities.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3320 - Claims and Actions Against the District)
- (cf. 3514 - Environmental Safety)
- (cf. 3514.1 - Hazardous Substances)
- (cf. 3514.2 - Integrated Pest Management)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 3530 - Risk Management/Insurance)
- (cf. 3542 - School Bus Drivers)
- (cf. 3543 - Transportation Safety and Emergencies)
- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)
- (cf. 5131 - Conduct)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.1 - Accidents)
- (cf. 5142.1 - Identification and Reporting of Missing Children)
- (cf. 5142.2 - Crossing Guards)
- (cf. 5143 - Insurance)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6161.3 - Toxic Art Supplies)
- (cf. 7111- Evaluating Existing Buildings)

Staff shall be responsible for the proper supervision of students during school hours, and, where appropriate, at school-sponsored activities and while students are using district transportation to and from school.

The principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy and administrative regulation. Copies of the rules shall be sent to parents/guardians and be readily available at the school at all times.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, injury prevention and disease prevention.

**Students**

**Safety (continued)**

Legal Reference:

EDUCATION CODE

8482-8484.6 Before and After School Learning and Safe Neighborhood Partnerships Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32050-32051 Hazing

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32270.5 Cellular telephones for classroom safety

35183.5 Sun protection

35294-35294.9 Safety plans

44807 Duty of teachers concerning conduct of students to and from schools, on playgrounds, and during recess

44808 Exemption from liability when students are not on school property

44808.5 Permission for students to leave school grounds; notice (high school)

49300-49307 School safety patrol

49330-49335 Injurious objects

49341 Hazardous materials in school science laboratories

51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally; immunity of public entity

835 Conditions of liability

4450-4458 Access to public buildings by physically disabled persons

HEALTH AND SAFETY CODE

115725-115750 Playground safety

115775-115800 Wooden playground equipment

115810-115816 Playground safety and recycling grants

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically disabled persons

VEHICLE CODE

21212 Use of helmets

**Students**

**Safety (continued)**

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

5531 Supervision of social activities

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Bus driver; authority over pupils

CODE OF REGULATIONS, TITLE 22

65700-65750 Safety regulations for playgrounds; definitions and general standards

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Safety**

#### Release of Student to Adult

Students shall be released during the school day in the custody of an adult only if:

1. The adult is the student's parent/guardian with custody.

(cf. 5021 - Noncustodial Parents)

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the parent/guardian cannot be reached, and the principal or designee verifies the individual's identification.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.1 - Accidents)

3. The adult is a properly authorized law officer acting in accordance with law.

(cf. 5145.11 - Questioning and Apprehension)

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

(cf. 5141.4 - Child Abuse Reporting Procedures)

#### Supervision of Students

Teachers should be present at their respective schools not less than 30 minutes before the time when school starts. (5 CCR 5570)

(cf. 6112 - School Day)

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds and during recess. (Education Code 44807)

Where playground supervision is not otherwise provided, the principal of each school shall provide for employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)



## **Students**

### **Safety (continued)**

The principal or designee shall:

1. Clearly identify supervision zones on the playground and require that all individuals supervising students observe their entire zone of supervision
2. Require that all supervisors remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee.
3. Establish emergency procedures that ensure swift response to accidents, fighting and situations that could become dangerous, such as overcrowding or unusual gatherings of students

When determining the ratio of playground supervisors to students, the Superintendent or designee shall consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students.

### **Playground Safety**

The Superintendent or designee shall ensure that playgrounds comply with 22 CCR 65700-65750 pertaining to design, installation, inspection and maintenance of playgrounds, and playground equipment.

### **Activities with Safety Risks**

Because of concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Skateboarding or use of nonmotorized scooters
3. In-line or roller skating
4. Motorcycling
5. Other activities determined by the school principal to have a high risk to student safety

(cf. 6145 - Extracurricular and Co-curricular Activities)

**Students**

**Safety (continued)**

The cost of insurance coverage for such activities shall be borne by the parent/guardian.

(cf. 3260 - Fees and Charges)  
(cf. 3530 - Risk Management/Insurance)  
(cf. 5143 - Insurance)

Students in grades 4-8 who operate a bicycle, nonmotorized scooter or skateboard upon a street, bikeway or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet that meets the standards of law. Students shall also be required to wear such helmets while wearing in-line or roller skates. (Vehicle Code 21212)

(cf. 3260 - Fees and Charges)  
(cf. 5132 - Dress and Grooming)

Students shall be allowed to use sunscreen during the school day without a physician's note or prescription. (Education Code 35183.5)

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;

## **Students**

### **Identification and Reporting of Missing Children**

District personnel, including but not limited to teachers, administrators, school aides, school playground workers and school bus drivers, are encouraged to report missing children to a law enforcement agency in a timely manner in order to provide those children a necessary level of protection.

#### Legal Reference:

##### EDUCATION CODE

32390 Voluntary program for fingerprinting students

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

##### CODE OF REGULATIONS, TITLE 5

640-641 Student fingerprinting program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Identification and Reporting of Missing Children**

#### Notices About Missing Children

Every school shall post, in an appropriate area, information provided by the Department of Justice on missing children. For elementary schools, such information shall be posted in an area restricted to adults. (Education Code 38139)

(cf. 5111 - Admission)

(cf. 5118 - Transfers)

If a school receives notice from a law enforcement agency that a child enrolled in that school has been reported missing, the principal or designee shall place a notice that the child has been reported missing on the front of the child's school record. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement authorities who informed the school of the missing child's status. (Education Code 49068.6)

(cf. 5125 - Student Records)

(cf. 3260 - Fees and Charges)

Fingerprint services shall be provided in accordance with law and standards developed by the California Department of Education. (5 CCR 641)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Crossing Guards**

The Board of Trustees is concerned about the safety of students as they walk to and from school. The Board desires that crossing guards be provided to help elementary children cross busy streets.

The Superintendent or designee shall periodically examine traffic patterns within elementary school attendance areas in order to identify locations where crossing assistance may be needed.

The Superintendent or designee shall seek reimbursement for the cost of these guards from the city, county, or other sources. If reimbursement is not forthcoming, the cost of providing crossing guards may be included in the district budget.

(cf. 3100 - Budget)

### **Student Safety Patrols**

The Superintendent or designee may establish safety patrols at elementary schools for the purpose of assisting students in safely crossing streets and highways adjacent to or near the school. (Education Code 49300)

#### **Legal Reference:**

##### **EDUCATION CODE**

45450 Guards at pedestrian crossings; employment

45451 School crossing guards; reimbursement of districts

49300-49307 School Safety Patrols

##### **VEHICLE CODE**

21100 Rules and regulation: subject matter

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties

##### **CODE OF REGULATIONS, TITLE 5**

570-576 School safety patrols

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

**Students**

**Crossing Guards**

**SAFETY PATROLS**

Student safety patrol members shall be selected by the principal and serve only with written parental consent. (Education Code 49302)

Patrol members must be at least ten (10) years old and at least in the fifth grade. (5 CCR 571)

Safety patrol members shall be authorized to give traffic signals and directions only in order to assist students in safely crossing streets and highways. (Education Code 49304)

Patrols shall be used only at locations where the nature of the traffic permits their safe operation, as determined by a joint agreement between the district and the local law enforcement agency. (5 CCR 572)

Patrol members shall be under the supervision and control of the principal or designee.

Whenever on duty, patrol members shall wear the basic standard uniform required by 5 CCR 576.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Insurance**

The Board of Trustees may make medical and/or hospital service available to district students through nonprofit membership corporations and/or group, blanket or individual policies from an authorized insurer.

The Superintendent or designee shall provide or make available:

1. Medical or hospital service or insurance protection against injuries to students while participating in any excursion or field trip under the jurisdiction of, or sponsored by or controlled by, the district. (Education Code 35331)

The costs of the medical or hospital service or insurance protection for such students must be paid by the student's parent/guardian. (Education Code 35331)

(cf. 3260 - Fees and Charges)

(cf. 6153 - School-Sponsored Trips)

2. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to each member of a school athletic team as defined in law and administrative regulation (Education Code 32221)

(cf. 3452 - Student Activity Funds)

The insurance shall not be required of athletic team members who have insurance or a reasonable equivalent of health benefits provided through other means, including but not limited to purchase by the student or his/her parent/guardian. (Education Code 32221)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

In addition, the Superintendent or designee may make available:

1. Medical and/or hospital service for students who are injured on school grounds during the school day, at any other place that a school-sponsored activity is being held, or while being transported by the district to and from school, another place of instruction or a school activity

The costs of the medical and/or hospital service for such students must be paid by the student's parent/guardian. (Education Code 49472)

## **Students**

### **Insurance (continued)**

(cf. 3530 - Risk Management/Insurance)

(cf. 3540 - Transportation)

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

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5141.1 - Accidents)

(cf. 5141.6 - Student Health and Social Services)

2. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to participants in occasional playday or field day activities in which students from two or more district schools participate in athletic contests.
  
3. Medical and/or hospital service to students participating in other athletic activities sponsored or controlled by or under the jurisdiction of the district.

The Superintendent or designee may distribute printed matter furnished by the insurer or membership corporation to students and their parents/guardians.

#### Legal Reference:

##### EDUCATION CODE

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; non-transaction of insurance

35331 Insurance for field trips and excursions

48980 Parental notifications

49470-49474 District medical services and insurance

51760 Insurance, work experience programs

52530 Insurance for healing arts program students

##### INSURANCE CODE

10493 Benefit and relief association

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



**Students**

**Insurance**

Athletic Teams

"Members of a school athletic team" include: (Education Code 32220)

1. Members of any extramural athletic team engaged in athletic events on or outside school grounds
2. Members of school bands or orchestras, cheerleaders and their assistants, pompom girls, team managers and their assistants, and any student selected by the school or student body organization to directly assist in the conduct of the athletic event, including incidental activities, but only while such members are being transported by or under the sponsorship or arrangements of the district or the district's student body organization to or from a school or other place of instruction and the place at which the athletic event is being conducted

Insurance for members of school athletic teams shall provide coverage for injury arising while students are: (Education Code 32221)

1. Engaging in or preparing for an athletic event sponsored or arranged by the district or student body organization
2. Being transported by the school district, or under its sponsorship, to and from the school and place of the athletic event

- (cf. 3530 - Risk Management/Insurance)
- (cf. 3541.1 - Transportation for School-Related Trips)
- (cf. 3543 - Transportation Safety and Emergencies)
- (cf. 5141.1 - Accidents)
- (cf. 5141.6 - Student Health and Social Services)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)

For such students, the district shall provide a group or individual medical plan with accidental benefits of at least \$200 for each occurrence and major medical coverage of at least \$10,000, with no more than \$100 deductible and no less than 80 percent payable for each occurrence. (Education Code 32221)

Receipt of insurance benefits may be subject to the following conditions:

**Students**

**Insurance (continued)**

1. The Superintendent or designee shall certify whether an injured student applying for insurance benefits is a district student and is a member of an athletic team.
2. The injured student or his/her parents/guardians shall notify the Superintendent or designee of the injury not later than 60 days from the date of injury.
3. Medical or hospital care or treatment shall begin within 120 days from the date of injury.
4. The period of time for which benefits shall be payable shall be limited to 52 weeks from the date the student received his/her first medical or hospital care or treatment.

**Other Athletic Activities**

The Superintendent or designee shall provide written notification to the parents/guardians of all students participating in athletic activities, other than athletic teams, that the district does not provide or make available medical and hospital care or insurance for students who are injured while participating in athletic activities. (Education Code 49471)

(cf. 5145.6 - Parental Notifications)

(cf. 6142.7 - Physical Education)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Discipline**

The Board of Trustees desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5137 - Positive School Climate)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)  
(cf. 6020 - Parent Involvement)

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

(cf. 5131 - Conduct)  
(cf. 5131.1 - Bus Conduct)

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515 - Campus Security)  
(cf. 3515.3 - District Police/Security Department)  
(cf. 3515.4 - Recovery for Property Loss or Damage)  
(cf. 4158/4258/4358 - Employee Security)  
(cf. 5136 - Gangs)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 6164.5 - Student Study Teams)  
(cf. 6159.4 - Behavioral Interventions for Special Education Students)  
(cf. 6182 - Opportunity School/Class/Program)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)

**Students**

**Discipline**

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

35294-35294.9 School safety plans

37223 Weekend classes

44807.5 Restriction from recess

48630-48644.5 Opportunity schools

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Discipline**

#### Site-Level Rules

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Discussion or conference with parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

3. Recess restriction

4. Detention during and after school hours

5. Community service

6. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

7. Removal from the class in accordance with Board policy, administrative regulation and law

8. Suspension and expulsion

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

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

## **Students**

### **Discipline (continued)**

#### Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

(cf. 4158/4258/4358 - Employee Security)  
(cf. 5131.7 - Weapons and Dangerous Instruments)

#### Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee or designee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

#### Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs. (5 CCR 307, 353)

## **Students**

### **Discipline (continued)**

Students shall remain under the supervision of a certificated employee or designee during the period of detention.

Students may be offered the choice of serving their detention on Saturday rather than after school.

(cf. 6176 - Weekend/Saturday Classes)

### **Community Service**

As part of or instead of disciplinary action, the Board, Superintendent, principal or principal's designee may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section. (Education Code 48900.6)

### **Notice to Parents/Guardians and Students**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the district.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005;

## **Students**

### **Suspension and Expulsion/Due Process**

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5144 - Discipline)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

#### **Zero Tolerance**

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

The Superintendent or designee shall notify staff, students and parents/ guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.



## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

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

#### Supervised Suspension Classroom

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee may establish a supervised in-house suspension program which meets the requirements of law for suspended students who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

#### Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

**Students**

**Suspension and Expulsion/Due Process (continued)**

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence reduction

1981 Enrollment of students

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48666 Community day schools

48900-48926 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

Legal Reference:

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery fines

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

**Students**

**Suspension and Expulsion/Due Process (continued)**

Legal References: (continued)

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.25-417.27 Laser scope

422.6 Interference with civil rights; damaging property

422.7 Aggravating factors for punishment

422.75 Protected classes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops. Cal. Atty. Gen 146 (2001)

80 Ops. Cal. Atty. Gen. 91 (1997)

80 Ops. Cal. Atty. Gen. 85 (1997)

Management Resources:

WEB SITES

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

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

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

**Students**

**Suspension and Expulsion/Due Process (continued)**

U.S. Department of Education, Office of Safe and Drug-Free Schools:  
<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; June 20, 2011

## **Students**

### **Suspension and Expulsion/Due Process**

#### Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

## Students

### Suspension and Expulsion/Due Process (continued)

#### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 48900.1, 48980) (cf. 5144 - Discipline) (cf. 5145.6 - Parental Notifications)

#### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a)) A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(q))
2. Willfully used force or violence upon the person of another, except in self defense. (Education Code 48900 (a2))
3. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b)) (cf. 5131 - Conduct) (cf. 5131.7 - Weapons and Dangerous Instruments)
4. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c)) (cf. 5131.6 - Alcohol and Other Drugs)

**Students**

**Suspension and Expulsion/Due Process (continued)**

5. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))
6. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
7. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
8. Stole or attempted to steal school property or private property. (Education Code 48900(g))
9. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
10. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
12. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
13. Knowingly received stolen school property or private property. (Education Code 48900(l))
14. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

**Students**

**Suspension and Expulsion/Due Process (continued)**

15. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
16. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
18. Engaged in, or attempted to engage in, hazing as defined in Education Code 32050. Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))
19. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitute sexual harassment pursuant to Education Code 48900.2, hate violence pursuant to Education Code 48900.3, or harassment, threats, or intimidation pursuant to Education Code 48900.4. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

20. Made terrorist threats against school officials and/or school property, or both. A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with



## Students

### Suspension and Expulsion/Due Process (continued)

the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

21. Committed sexual harassment as defined in Education Code 212.5. Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 48900.2) (cf. 5145.7 - Sexual Harassment)
20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233; Penal Code 422.55) (Education Code 48900.3) (cf. 5145.9 - Hate-Motivated Behavior)
21. Intentionally engaged in harassment, threats or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4) (cf. 5145.3 - Nondiscrimination/Harassment)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

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

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r)) (cf. 5138 - Conflict Resolution/Peer Mediation)

Alternatives to suspension or expulsion may be used with students who are truant, tardy, or otherwise absent from assigned school activities. (cf. 5113 - Absences and Excuses) (cf. 5113.1 - Truancy)

#### **Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher may ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7.
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

### **Suspension by Superintendent, Principal or Principal's Designee**

The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.

## Students

### Suspension and Expulsion/Due Process (continued)

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive as defined in 18 USC 921. Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

**Students****Suspension and Expulsion/Due Process (continued)**

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911(c))

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

## Students

### Suspension and Expulsion/Due Process (continued)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### On-Campus Suspension Program

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. (Education Code 48911.1)

#### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

#### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

#### **Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### **Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may,



## **Students**

### **Suspension and Expulsion/Due Process (continued)**

for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

#### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

**Students**

**Suspension and Expulsion/Due Process (continued)**

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

## Students

### Suspension and Expulsion/Due Process (continued)

#### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35245, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be at a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's

## Students

### Suspension and Expulsion/Due Process (continued)

decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.

**Students**

**Suspension and Expulsion/Due Process (continued)**

- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

## Students

### Suspension and Expulsion/Due Process (continued)

- (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
  - (c) Permit one of the support persons to accompany the complaining witness to the witness stand.
- 6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
- 7. Decision within 40 School Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e))

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year.

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(q), Education Code 48900.2-48900.4, 48900.8, and 48915(c). (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)



## **Students**

### **Suspension and Expulsion/Due Process (continued)**

#### Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:  
(Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

#### **Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### **Post-Expulsion Placements**

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

#### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met.

School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying re-admittance into the regular program. This

## **Students**

### **Suspension and Expulsion/Due Process (continued)**

notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

#### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

#### Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

**Students**

**Suspension and Expulsion/Due Process (continued)**

Outcome Data

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; June 20, 2011



## **Students**

### **Suspension and Expulsion/Due Process (Students With Disabilities)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

#### **Suspension**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.519.

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.

**Suspension (continued)**

- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur.

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation.

**Interim Alternative Placement Due to Dangerous Behavior**

A district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard as to whether the behavior is a manifestation of the student's disability, when he/she commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by the student's IEP team.

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

## Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date, the decision to take disciplinary action is made, the student's parents/guardians shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date of the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and the parent/guardian), shall review all relevant information in the student's file including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability.
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies.

If the manifestation review team determines that either of the above conditions applies conduct shall be determined to be a manifestation of his/her disability.

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

The student shall be returned to the placement from which he/she was removed unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan.



**Manifestation Determination (continued)**

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review determines that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

**Due Process Appeals**

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b).

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district initiates a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise.

**Readmission**

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

The Board of Trustees' criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

### **Notification to Law Enforcement Authorities**

Law enforcement notification requirement involving students with disabilities shall be the same as those specified for all students in AR 5144.1 – Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

### **Report to County Superintendent of Schools**

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

### **Procedures for Students Not Yet Eligible for Special Education**

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA if the district had knowledge that the student was disabled before the behavior occurred.

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred:

1. The parent/guardian, in writing, has expressed concern to supervisory or administrative district personnel or to a teacher of the students, that the student is in need of special education or related services
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student

However,–the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed the student to be evaluated for special education services or has refused services–or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

**Procedures for Students Not Yet Eligible for Special Education (continued)**

When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; June 20, 2011; June 8, 2020

## **Students**

### **Questioning and Apprehension**

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law officer's discretion, the principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

(cf. 5142 - Safety)

### **Subpoenas**

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

#### **Legal Reference:**

##### **EDUCATION CODE**

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian or relative

48909 Narcotics and other hallucinogenic drugs (re arrest)

**Students**

**Questioning and Apprehension (continued)**

Legal Reference: (continued)

PENAL CODE

830-832.8 re peace officers

833-851.85 re arrests

1328 Service of subpoena

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Questioning and Apprehension**

#### Questioning on School Grounds

The school should keep a record of any interviews of students by law officers on school premises. Such records should include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

#### Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

The principal or designee should record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian. (Education Code 48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice should be followed by a written report by the principal or designee and should include the date and time of arrest, the identity, badge number and official capacity of the officer and the reason for release.

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;

## **Students**

### **Search and Seizure**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or district property under their control, and may seize illegal, unsafe and prohibited items. The Board of Trustees requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

#### **Individual Searches**

School officials may search individual students, their property and district property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students should be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension)

#### **Student Lockers/Desks**

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

## **Students**

### **Search and Seizure (continued)**

#### Use of Metal Detectors

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures that ensure that metal detector searches are conducted in a consistent manner that minimizes or eliminates arbitrary and capricious enforcement by school officials.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

#### Use of Drug-Detection Dogs

In an effort to keep the schools free of drugs, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events.

(cf. 5131.6 - Alcohol and Other Drugs)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35294-35294.9 School safety plans

49050-49051 Searches by school employees

49330-49334 Injurious objects

##### PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Students**

### **Search and Seizure**

#### Use of Metal Detectors

The following procedures shall be followed when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets of metallic objects.
2. If an initial activation occurs, students shall be asked to remove other metallic objects they may be wearing (e.g., belt and jewelry) and to walk through a second time.
3. If a second activation occurs, a hand-held metal detector shall be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area.
5. In the private area, an expanded search shall be conducted by a staff member of the same gender as the student, in the presence of another district employee.
6. The search shall be limited to the detection of weapons.

#### Use of Drug-Detection Dogs

Drug-detection dogs shall not be used in rooms occupied by persons except for demonstration purposes, with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the search.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5144 - Discipline)

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

#### Notifications

At the beginning of each school year and whenever students are assigned lockers, desks or other district property, the Superintendent or designee may inform students and

**Students**

**Search and Seizure (continued)**

parents/guardians of the possibility of random searches of students, their belongings and district properties under their control.

Regulation Approved: March 23, 1987  
Regulation Revised: September 26, 2005;

## **Students**

### **Freedom of Speech/Expression**

Students have the right to reasonably express opinions, to take stands, and to support causes. The school shall supervise and curtail any unreasonable expression of points of view as allowed by law.

In imposing limitations on student expression for any reason under the provisions of this policy, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure reasonable freedom of expression to the students without endangering the health or safety of other students.

#### Limitations

Students shall not be allowed to distribute materials, wear buttons, badges or other insignia, or post notices or other materials that:

1. Are obscene to minors according to current legal definitions.
2. Are libelous or slanderous according to current legal definitions.
3. Incite students, express or advocate racial, ethnic, sexual or religious prejudice so as to create and clear and present danger or the imminent commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the orderly operation of the school.
4. Are distributed, displayed or circulated in violation of the time, place and manner requirements.
5. In the opinion of the principal and/or teacher are inappropriate for the school classroom environment.

#### Approval of materials

All printed material posted or distributed on campus or in the immediate vicinity of school property, including but not limited to, all petitions, circulars, leaflets and newspapers and all material displayed on bulletin boards shall be submitted to the principal's office at least twenty-four hours prior to such display or distribution. Approval or disapproval of such material shall be in accordance with the standards specified above.

**Students**

**Freedom of Speech/Expression (continued)**

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

CALIFORNIA CONSTITUTION

Article 1, Section 2 Freedom of speech and expression

U.S. CONSTITUTION

Amendment 1 Freedom of speech and expression

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Students**

### **Nondiscrimination/Harassment**

District programs and activities shall be free from discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5145.9 - Hate-Motivated Behavior)  
(cf. 6164.6 - Identification and Education under Section 504)

The Board of Trustees shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance) (cf. 6145.2 - Athletic Competition)  
(cf. 6162.5 - Student Assessment)

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression)  
(cf. 5145.7 - Sexual Harassment)

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

## **Students**

### **Nondiscrimination/Harassment (continued)**

Legal Reference:

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex, especially:  
221.5 Prohibited sex discrimination  
221.7 School-sponsored athletic programs; prohibited sex discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
49020-49023 Athletic programs  
51006-51007 Equitable access to technological education programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

#### **CIVIL CODE**

1714.1 Liability of parents/guardians for willful misconduct of minor

#### **CODE OF REGULATIONS, TITLE 5**

4621 District policies and procedures  
4622 Notice requirements

#### **PENAL CODE**

422.6 Interference with constitutional right or privilege

#### **UNITED STATES CODE, TITLE 42**

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3a Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; June 18, 2012

## **Students**

### **Parental Notifications**

The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5022 - Student and Family Privacy Rights)  
(cf. 5124 - Communication with Parents/Guardians)  
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48982)

Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

#### Legal Reference:

##### EDUCATION CODE

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

262.3 Appeals; information re: availability of civil remedies

310 Structured English Immersion Program

17288 Pupils: school buildings

17612 Notification of pesticide use

32255-32255.6 Right to refuse harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing fingerprints to parent/guardian

35178.4 Notice of accreditation status

35183 School dress codes; uniforms

35256 School accountability report card

35291 Rules

37616 Consultation

39831.5 School bus rider rules and information

**Students**

**Parental Notifications (continued)**

- 44808.5 Permission to leave school grounds
- 46010.1 Notice re: excuse to obtain confidential medical services
- 46014 Regulations regarding absences for religious purposes
- 46600-46611 Interdistrict attendance agreements especially:
- 46601 Failure to approve interdistrict attendance
- 48000 Minimum age of admission
- 48070.5 Promotion or retention of students
- 48204 Residency requirements for school attendance
- 48205 Absence for personal reasons
- 48206.3 Pupils with temporary disabilities; individual instruction; definitions
- 48207 Pupils with temporary disabilities in hospitals outside of school district
- 48208 Students with temporary disabilities in qualifying hospitals
- 48213 Notice to parent or guardian
- 48216 Immunization
- 48260.5 Notice to parent re truancy
- 48263 Referral to SARB or probation department
- 48432.5 Involuntary transfers of pupils
- 48637.1 Notice of intended assignment
- 48900.1 Attendance of parent or guardian for portion of school day
- 48904 Liability of parent/guardian for willful pupil misconduct
- 48904.3 Withholding grades, diplomas, or transcripts
- 48906 Notification of release of pupil to peace officer
- 48911 Notification in case of suspension
- 48912 Closed sessions; consideration of suspension
- 48915.1 Expelled individuals: enrollment in another district
- 48916 Readmission procedures
- 48918 Rules governing expulsion procedures
- 48980 Required notification at beginning of term
- 48980.3 Notification of pesticide use
- 48981 Time and means of notification
- 48982 Signature; return to school; effect of signature
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 48987 Child abuse information
- 49063 Notification of parents of their rights
- 49067 Regulations regarding pupil's achievement
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access



**Students****Parental Notifications (continued)**

Legal Reference: (continued)

- 49070 Challenging content of records
- 49073 Release of directory information
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49091.14 Prospectus
- 49302 Parental consent
- 49332 Notifications of retention of object by school personnel; release
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for pupil
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49456 Report to parent
- 49472 Medical and hospital services for pupils
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 51201.5 Instruction on AIDS and AIDS prevention
- 51240 Excuse from instruction due to religious beliefs
- 51513 Personal beliefs
- 51550 Sex education courses
- 51554 Parent notification; sex education courses
- 51555 Parent notification in grades K-6; sex education courses
- 51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation
- 51870.5 Internet access policy
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills; notice
- 52164.3 Notice of reassessment of language skills
- 52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program
- 52244 Advanced Placement Program
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies re: written notification rights
- 56321 Special education: proposed assessment plan
- 56329 Written notice of right to findings; independent assessment
- 56341 Individualized education program team
- 56343.5 IEP meetings
- 56346 Parental notice and consent to special education program
- 58501 Alternative schools: notice required prior to establishment
- 60641 Standardized Testing and Reporting Program
- 60850 High School Exit Exam

**Students**

**Parental Notifications (continued)**

Legal Reference: (continued)

**HEALTH AND SAFETY CODE**

1596.857 Right to enter child care facility

120365 Immunizations

120370 Immunizations

120375 Immunizations

120440 Sharing immunization information

124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian

124100 School districts and private schools; information to parents or guardians of kindergarten children; withholding of average daily attendance funds

**PENAL CODE**

627.5 Hearing request following denial or revocation of registration

**WELFARE AND INSTITUTIONS CODE**

18976.5 Parental notice; right of refusal to participate

**CODE OF REGULATIONS, TITLE 5**

863 Standardized Testing and Reporting Program

3052 Behavioral intervention

3831 General standards (Gifted and Talented Program)

4622 Notice requirements and recipients

4631 Responsibilities of the local agency

11303 Reclassification of English language learners

11309 Parental Exception Waivers

11523 Notice of proficiency examinations (HS)

18066 Policies and procedures absences for child care

**UNITED STATES CODE, TITLE 20**

1232g Family Educational and Privacy Rights Act

1415 Procedural Safeguards

1681-1688 Title IX, discrimination based on sex or blindness

6311 State plans

6312 Local educational agency plans

6316 Academic assessment and local educational agency school improvement

6318 Parental involvement

7908 Armed forces recruiter access to students

**UNITED STATES CODE, TITLE 42**

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

99.7 Student records, annual notification

99.34 Student records, disclosure to other educational agencies

104.36 Procedural safeguards

**Students**

**Parental Notifications (continued)**

Legal Reference: (continued)

106.9 Dissemination of policy, nondiscrimination on basis of sex

300.345 Parent participation

300.502 Independent educational evaluation

300.503 Prior written notice

300.505 Parental consent

300.507 Parent notice due process hearing

300.523 Manifestation determination review

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management plans

6311 State plans

6312 Local educational agency plans

6316 Academic assessment and local educational agency school improvement

6318 Parental involvement

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

**Students**

**Parental Notifications**

I. Annually

When to Notify: Beginning of each school year

Education Code 17612, 48980.3

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year

Education Code 32255-32255.6, 48980

Board Policy/Administrative Regulation #: See BP 5145.8, See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Annually

Education Code 35256

Board Policy/Administrative Regulation #: See BP 0510, See AR 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education Code 35291, 48980

Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year

Education Code 35291, 48900.1, 48980

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Required parental attendance

When to Notify: Beginning of each school year if high school open campus

Education Code 44808.5, 48980

Board Policy/Administrative Regulation #: See BP 5112.5

Subject: Open campus

**Students**

**Parental Notifications (continued)**

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence

Education Code 46014, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for religious purposes

When to Notify: Beginning of each school year

Education Code 48205, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for justifiable personal reasons

When to Notify: Beginning of each school year

Education Code 48205, 48980

Board Policy/Administrative Regulation #: See AR 6154

Subject: Grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year

Education Code 48206.3, 48207, 48208, 48980

Board Policy/Administrative Regulation #: See AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year

Education Code 48216, 48980

Board Policy/Administrative Regulation #: See BP 5141.31, See AR 5141.31

Subject: Immunizations

When to Notify: Beginning of each school year

Education Code 48980

Board Policy/Administrative Regulation #: See AR 5116.1

Subject: All statutory attendance options and available local attendance options

**Students**

**Parental Notifications (continued)**

When to Notify: Beginning of each school year  
Education Code 48980, 231.5  
Board Policy/Administrative Regulation #: See AR 5145.7  
Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year  
Education Code 48980, 52244  
Board Policy/Administrative Regulation #: See AR 6141.5  
Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning of each school year  
Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: Schedule of minimum days

When to Notify: Beginning of each school year for districts connected to the Internet  
Education Code 48980, 51870.5  
Board Policy/Administrative Regulation #: See AR 6163.4  
Subject: Policy on student access to the Internet

When to Notify: Beginning of each school year  
Education Code 49063, 49068, 49069, 20 USC 1232g, 34 CFR 99.7  
Board Policy/Administrative Regulation #: See BP 5125, See AR 5125  
Subject: Student records; Inspect and review, access, types, location, persons responsible location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest

When to Notify: Beginning of each school year  
Education Code 49063, 49070  
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3  
Subject: Challenge, review and expunging of records

**Students**

**Parental Notifications (continued)**

When to Notify: Beginning of each school year  
Education Code 49063, 49073  
Board Policy/Administrative Regulation #: See AR 5125.1  
Subject: Release of directory information

When to Notify: Beginning of each school year  
Education Code 49063, 49091.14  
Board Policy/Administrative Regulation #: See AR 5020, See AR 5125  
Subject: Availability of course prospectus

When to Notify: Beginning of each school year  
Education Code 49423, 49480, 48980  
Board Policy/Administrative Regulation #: See AR 5141.21, See AR 5141.31  
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year  
Education Code 49451, 48980  
Board Policy/Administrative Regulation #: See BP 5141.3  
Subject: Refusal to consent to physical examination

When to Notify: Beginning of each school year  
Education Code 49472, 48980  
Board Policy/Administrative Regulation #: See BP 5143  
Subject: Availability of insurance

When to Notify: Beginning of each school year  
Education Code 49510-49520, 48980  
Board Policy/Administrative Regulation #: See BP 3553  
Subject: Free and reduced price meals

When to Notify: Beginning of each school year  
Education Code 51240, 48980  
Board Policy/Administrative Regulation #: See BP 6141.2, See AR 6142.1, See BP 6142.8  
Subject: Excuse from health/sex education due to religious belief

**Students**

**Parental Notifications (continued)**

When to Notify: Beginning of each school year  
Education Code 51550, 48980  
Board Policy/Administrative Regulation #: See AR 6142.1  
Subject: Family Life Education

When to Notify: Annually  
Education Code 56301  
Board Policy/Administrative Regulation #: See BP 6164.4  
Subject: Rights of all parents related to special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year  
20 USC 1681-1688, 42 USC 2000d-2000d-7, 34 CFR 106.9  
Board Policy/Administrative Regulation #: See BP 0410  
Subject: Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills

When to Notify: Annually  
5 CCR 4622  
Board Policy/Administrative Regulation #: See AR 1312.3  
Subject: Uniform complaint procedures and available appeals and civil law remedies; identity of coordinators

When to Notify: Annually to parent, teacher and employee organizations; in absence of organizations, to individuals  
40 CFR 763.93  
Board Policy/Administrative Regulation #: See AR 3514  
Subject: Availability of complete, updated management plan for asbestos-containing material in school buildings

When to Notify: Beginning of each school year  
20 USC 1232h  
Board Policy/Administrative Regulation #: See BP 5141.3\*, See AR 5141.3\*,  
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing



**Students**

**Parental Notifications (continued)**

When to Notify: For districts receiving Title I funds, beginning of each school year  
20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112\*, See AR 4112.2\*, See AR 4222

Subject: Right to request information re: professional qualification of their child's teacher and paraprofessional

II. At Specific Times During the Student's Academic Career

When to Notify: At beginning of school year if student had been placed in structured English immersion program

Education Code 310, 5 CCR 11309

Board Policy/Administrative Regulation #: See AR 6174

Subject: Placement of child in program and opportunity to apply for parental exception waiver

When to Notify: Before presenting a course using live or dead animals or animal parts

Education Code 32255-32255.6

Board Policy/Administrative Regulation #: See BP 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program

Education Code 32390, 48980

Board Policy/Administrative Regulation #: See BP 5142.1

Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported

Education Code 39831.5

Board Policy/Administrative Regulation #: See AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red in a school bus light danger zones, walking to and from stops

**Students**

**Parental Notifications (continued)**

When to Notify: Beginning of each school year in grades 7-12  
Education Code 46010.1  
Board Policy/Administrative Regulation #: See BP 5113  
Subject: Absence for confidential medical services

When to Notify: Upon admission to school  
Education Code 48216, 49403, Health and Safety Code 120365, 120370, 120375  
Board Policy/Administrative Regulation #: See AR 5141.31  
Subject: Immunizations

When to Notify: Before early entry to kindergarten, if offered  
Education Code 48000  
Board Policy/Administrative Regulation #: See AR 5111  
Subject: Effects, advantages and disadvantages of early entry

When to Notify: Before assigning student to opportunity school/class/program  
Education Code 48637.1  
Board Policy/Administrative Regulation #: See BP 6182, See AR 6182  
Subject: Assignment to an opportunity school/class/program

When to Notify: Beginning of each school year or before receiving instruction on AIDS, family life human sexuality, sexually transmitted diseases  
Education Code 51201.5, 51555  
Board Policy/Administrative Regulation #: See AR 6142.1, See 6142.2  
Subject: Explanation of the instruction; right to request specific Education Code sections

When to Notify: Prior to child participation in child abuse prevention program  
Education Code 51550, Welfare and Institutions Code 18976.5  
Board Policy/Administrative Regulation #: See BP 5141.41  
Subject: Child abuse prevention programs

When to Notify: At least 15 days before instruction starts  
Education Code 51820  
Board Policy/Administrative Regulation #: See AR 6142.1  
Subject: Venereal disease instruction

**Students**

**Parental Notifications (continued)**

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners

Education Code 52164.1, 52164.3, 52173, 5 CCR 11303

Board Policy/Administrative Regulation #: See AR 6174

Subject: Program of education for English language learners

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Education Code 60641, 5 CCR 863

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten

Health and Safety Code 124085, 124100

Board Policy/Administrative Regulation #: See BP 5141.32

Subject: Health screening examination

When to Notify: Prior student participation in gifted and talented program

5 CCR 3831

Board Policy/Administrative Regulation #: See AR 6172

Subject: Gifted and talented student program

When to Notify: Within 30 calendar days of receipt of results

5 CCR 11511.5

Board Policy/Administrative Regulation #: See AR 6174

Subject: CELDT test results

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners

20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

## **Students**

### **Parental Notifications (continued)**

#### III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination

Education Code 262.3

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Civil law remedies available to complaints

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education Code 17612

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status

Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190

Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy

Education Code 35183

Board Policy/Administrative Regulation #: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a continuous school program

Education Code 37616 Board Policy/Administrative Regulation #: See BP 6117

Subject: Continuous school program

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education Code 46601

Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process

## **Students**

### **Parental Notifications (continued)**

When to Notify: When student identified as being at risk of retention  
Education Code 48070.5  
Board Policy/Administrative Regulation #: See AR 5123  
Subject: Student at risk of retention

When to Notify: When a student is classified a truant  
Education Code 48260.5  
Board Policy/Administrative Regulation #: See AR 5113  
Subject: Parental obligation

When to Notify: When a truant is referred to a SARB or probation department  
Education Code 48263  
Board Policy/Administrative Regulation #: See AR 5113  
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: Prior to withholding grades, diplomas, or transcripts  
Education Code 48904  
Board Policy/Administrative Regulation #: See AR 5125.2  
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student  
Education Code 48904.3  
Board Policy/Administrative Regulation #: See AR 5125.2  
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer  
Education Code 48906  
Board Policy/Administrative Regulation #: See BP 5145.11  
Subject: Release of student to peace officer

**Students**

**Parental Notifications (continued)**

When to Notify: At time of suspension

Education Code 48911

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Notice of suspension

When to Notify: When original period of suspension is extended

Education Code 48911

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Extension of suspension

When to Notify: Before holding a closes session re: suspension

Education Code 48912

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission

Education Code 48915.1, 48918

Board Policy/Administrative Regulation #: See AR 5119

Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied

Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs

Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing

Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Notice of expulsion hearing

## **Students**

### **Parental Notifications (continued)**

When to Notify: When expulsion or suspension of expulsion occurs

Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day

Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site

Education Code 48987

Board Policy/Administrative Regulation #: See BP 1312.1

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course

Education Code 49067

Board Policy/Administrative Regulation #: See AR 5121

Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school

Education Code 49068

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer

Education Code 49076

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

## **Students**

### **Parental Notifications (continued)**

When to Notify: Before release of information pursuant to court order or subpoena  
Education Code 49077  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Release of information pursuant to court order or subpoena

When to Notify: Before student serves on safety patrol  
Education Code 49302  
Board Policy/Administrative Regulation #: See AR 5142.2  
Subject: Parental consent

When to Notify: When injurious object is taken from student  
Education Code 49332  
Board Policy/Administrative Regulation #: See AR 5131.7  
Subject: Weapons and dangerous objects

When to Notify: When screening results in suspicion that student has scoliosis  
Education Code 49452.5  
Board Policy/Administrative Regulation #: See BP 5141.3  
Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects  
Education Code 49456  
Board Policy/Administrative Regulation #: See BP 5141.3  
Subject: Vision or hearing test

When to Notify: When a district with junior/high schools does not provide medical/hospital services for injured athletic students  
Education Code 49471  
Board Policy/Administrative Regulation #: See AR 5143  
Subject: Unavailability of services



## **Students**

### **Parental Notifications (continued)**

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year

Education Code 51938

Board Policy/Administrative Regulation #: See AR 6142.1,

Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: Before any test questioning personal beliefs

Education Code 51513

Board Policy/Administrative Regulation #: See BP 5145.1

Subject: Permission for test questioning personal beliefs

When to Notify: When child participates in licensed child care and development program

5 CCR 18066

Board Policy/Administrative Regulation #: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: When student transfers out-of-state and records are disclosed without consent pursuant to 34 CFR 99.30

34 CFR 99.34

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to review records

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.2

Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

20 USC 6312

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Notice of failure to parents of ELL students

## **Students**

### **Parental Notifications (continued)**

When to Notify: When school identified for program improvement or corrective action  
20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1

Subject Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

20 USC 6318

Board Policy/Administrative Regulation #: See AR 6171

Subject: Notice of policy

When to Notify: For districts with secondary students receiving Title I funds  
20 USC 7908

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Notice that parents may request that district not release name, address, phone number of student to military recruiters without prior consent

### **IV. Special Education Notices**

When to Notify: Within 15 days of referral for assessment for special education programs  
Education Code 56321

Board Policy/Administrative Regulation #: See AR 6164.4

Subject: Proposed assessment plan and related parental rights

## **Students**

### **Parental Notifications (continued)**

When to Notify: Upon completion of administration of assessment  
Education Code 56329, 34 CFR 300.502  
Board Policy/Administrative Regulation #: See AR 6164.4  
Subject: IEP meeting scheduled and determination at meeting

When to Notify: If parent disagrees with assessment  
Education Code 56329, 34 CFR 300.502  
Board Policy/Administrative Regulation #: See AR 6164.4  
Subject: Right to obtain independent educational assessment

When to Notify: 24 hours before IEP when intending to tape record  
Education Code 56341  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Intention to tape record IEP meeting

When to Notify: When parent orally requests review of IEP  
Education Code 56343.5  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Need for written request

When to Notify: Prior to participation in special education  
Education Code 56346  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Notice of IEP meetings, why participation necessary

When to Notify: Before functional behavioral assessment begins  
5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan  
5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Need for modification, right to question modification

## **Students**

### **Parental Notifications (continued)**

When to Notify: Within one school day of emergency intervention or serious property damage

5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement

20 USC 1415(c), 34 CFR 300.503

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Prior written notice

When to Notify: Initial referral for evaluation

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Notification of IEP meeting

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Reevaluation of student

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Registration of complaint

20 USC 1415(d)

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

## **Students**

### **Parental Notifications (continued)**

When to Notify: Suspension for more than 10 days or disciplinary action taken for dangerous behavior

20 USC 1415(k), 34 CFR 300.523

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision

When to Notify: Change of placement for more than 10 days

20 USC 1415(k), 34 CFR 300.523

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting

34 CFR 300.345

Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who in attendance, participation of other with special knowledge, transition statements if appropriate

When to Notify: Upon requesting a due process hearing

34 CFR 300.507

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

### **V. Classroom Notices**

When to Notify: In each classroom in each sufficiency school

35186

Board Policy/Administrative Regulation #AR/E 1312.3

Subject: Complaint rights re: of instructional material and maintenance of facilities

## **Students**

### **Sexual Harassment**

The Board of Trustees is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

(cf. 5131.5 - Vandalism, Theft and Graffiti)  
(cf. 5137 - Positive School Climate)  
(cf. 5141.41 - Child Abuse Prevention)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 6142.1 - Family Life/Sex Education)

#### **Complaint Process**

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
(cf. 5141.4 - Child Abuse Reporting Procedures)  
(cf. 5145.3 - Nondiscrimination/Harassment)

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

## **Students**

### **Sexual Harassment (continued)**

The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

(cf. 1312.1 - Complaints Concerning District Employees)

### **Disciplinary Measures**

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

### **Record-Keeping**

The Superintendent or designee should maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### **CIVIL CODE**

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

**Students**

**Sexual Harassment (continued)**

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

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

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;



## **Students**

### **Sexual Harassment**

Prohibited 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 gender, in the educational setting, when: (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

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. 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, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way

**Students**

**Sexual Harassment (continued)**

9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive objects

Notifications

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)

(cf. 5145.6 - Parental Notifications)

2. 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)

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
  - a. The student who is complaining
  - b. The person accused of harassment
  - c. Anyone who witnessed the conduct complained of
  - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
  - a. The Superintendent or designee

**Students**

**Sexual Harassment (continued)**

- b. The parent/guardian of the student who complained
  - c. If the alleged harasser is a student, his/her parent/guardian
  - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
  - e. Child protective agencies responsible for investigating child abuse reports
- (cf. 5141.4 - Child Abuse Reporting Procedures)
- f. Legal counsel for the district
4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.
  5. In reaching a decision about the complaint, the principal or designee may take into account:
    - a. Statements made by the persons identified above
    - b. The details and consistency of each person's account
    - c. Evidence of how the complaining student reacted to the incident
    - d. Evidence of any past instances of harassment by the alleged harasser
    - e. Evidence of any past harassment complaints that were found to be untrue
  6. To judge the severity of the harassment, the principal or designee may take into consideration:
    - a. How the misconduct affected one or more students' education
    - b. The type, frequency and duration of the misconduct

**Students**

**Sexual Harassment (continued)**

- c. The number of persons involved
  - d. The age and gender of the person accused of harassment
  - e. The subject(s) of harassment
  - f. The place and situation where the incident occurred
  - g. Other incidents at the school, including incidents of harassment that were not related to gender
7. The principal or designee should write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
  8. The principal or designee may give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
  9. After receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

**Enforcement**

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing staff inservice and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

## **Students**

### **Refusal to Harm or Destroy Animals**

The Board of Trustees supports the right of students to refrain from participating in instruction which involves dissecting or otherwise harming or destroying animals when they have a moral objection to such activities.

Students shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

(cf. 5145.2 - Nondiscrimination/Harassment)

After notifying the teacher of his/her objection pursuant to law and administrative regulations, the student shall be excused from the project and may be provided an appropriate alternative project. The Board encourages staff, whenever possible, to provide an alternative project that teaches the same knowledge and skills as the original project. In any case, staff shall ensure the effective use of students' time by providing instructional activities relevant to the course of study.

Legal Reference:

EDUCATION CODE

32255-32255.6 Student's right to refrain from harmful/destructive use of animals

48980 Parental notification at beginning of term

48981-48984 Method and content of notification; signature required

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;

## **Instruction**

### **Concepts and Roles**

The Governing Board accepts the responsibility to provide a comprehensive, research-based academic curriculum that motivates every student to succeed. The Board shall adopt instructional goals and objectives which reflect the District's philosophy and delineate the skills, knowledge and abilities students will need in order to lead successful, productive lives.

(cf. 0100 - Philosophy)  
(cf. 0200 - Goals for the School District)  
(cf. 6010 - Goals and Objectives)

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students. Students who are failing or at risk of failing to meet academic standards shall be provided with supplemental assistance designed to raise student achievement.

(cf. 0520.2 - Title I Program Improvement Schools)  
(cf. 0520.3 - Title I Program Improvement Districts)  
(cf. 6164.5 - Student Success Teams)  
(cf. 6164.6 - Identification and Education Under Section 504)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6177 - Summer School)  
(cf. 6179 - Supplemental Instruction)  
(cf. 6183 - Home and Hospital Instruction)

Inasmuch as parents/guardians are critical partners in their children's education, parents/guardians shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

In order to offer a curriculum that enables students to meet these goals, the Board shall establish curriculum priorities and guidelines for the district. These priorities shall be based on student needs as determined by data related to student achievement within the district, and the recommendations of the Superintendent and staff, and, wherever appropriate, parents/guardians and community members.

## **Instruction**

### **Concepts and Roles**

The Superintendent or designee shall establish a curriculum development process which provides for the ongoing development, review and evaluation of the District's curriculum in keeping with these priorities.

(cf. 6141 - Curriculum Development and Evaluation)

The Board shall:

1. Establish expected standards of student achievement for each grade level that are aligned with the District's vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians and the community, and available resources.

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6011 - Academic Standards)

2. Establish graduation requirements

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of the District's curriculum.

(cf. 6141 - Curriculum Development and Evaluation)

4. Adopt the district curriculum and courses of study to be offered.

(cf. 6143 - Courses of Study)

## **Instruction**

### **Concepts and Roles**

5. Adopt textbooks and other instructional materials.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

6. Support the professional implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, ensuring that collective bargaining agreements do not constrain the District's ability to achieve curricular goals, recognizing staff member accomplishments, and including reasonable annual goals related to student learning in the Superintendent evaluation process.

(cf. 2140 - Evaluation of the Superintendent)

(cf. 3100 - Budget)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 9310 - Board Policies)

7. Provide a continuing program of professional development to keep instructional staff members, administrators, and Board Members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment.

(cf. 4131 - Staff Development)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4331 - Staff Development)

(cf. 9240 - Board Development)

8. Review and evaluate the instructional program on the basis of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement.

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6190 - Evaluation of the Instructional Program)



## **Instruction**

### **Concepts and Roles**

9. Serve as the principal advocate to the community and communicate clear information about District instructional goals, programs, and progress in student achievement to the community and media.

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

The Superintendent or designee shall:

1. Review research related to curriculum issues
2. Select and/or develop curricula for recommendation to the Board in accordance with the District's curriculum development and review process.

(cf. 6143 - Courses of Study)

3. Ensure the articulation of the curriculum between grade levels and with the local high schools.
4. Determine the general methods of instruction to be used
5. Assign instructors and schedule classes for all curricular offerings

(cf. 4113 - Assignment)

(cf. 6112 - School Day)

6. Recommend instructional materials to the Board and direct the purchase of instructional materials and equipment.

(cf. 3310 - Expenditures and Purchases)

7. Evaluate and report to the Board on student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data. (cf. 6162.5 - Student Assessment)

## **Instruction**

### **Concepts and Roles**

#### Comparability in Instruction

The district shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement the district-provided core curriculum and also supplement any services which may be provided by other categorical programs.

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

(cf. 6171 - Title I Programs)

#### Legal Reference:

EDUCATION CODE

51000-51007 Legislative intent, educational program

CODE OF REGULATIONS, TITLE 5

3940 Maintenance of effort

4424 Comparability of services

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements/comparability of services

#### Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership: Curriculum, 1996

WEB SITES

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

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; September 24, 2013

**Instruction****Goals and Objectives**

The Board of Trustees believes that all students need to meet high standards of academic knowledge and skills. In addition, they must have the ability to apply their skills to the workplace, where they will be required to adapt to emerging technologies and expanding bases of knowledge. The Board therefore desires to provide an instructional program that extends from kindergarten through eighth grade graduation and prepares all students to have:

1. Mastery of skills and knowledge in mathematics, English, science, civics and government, economics, history, geography, health and safety, physical education, foreign language and the arts
2. Ability to analyze, think creatively, solve problems, make decisions and apply knowledge and skills to real-life situations
3. Awareness of the responsibilities of citizens in a democracy and the importance of community service
4. Strong communication and interpersonal skills
5. Experience with a variety of technologies
6. A positive work ethic and ability to work independently or in a team
7. Self-esteem based on America's traditional criteria for achievement.
8. Ability to seek out, organize and learn new information

((cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

**Legal Reference:****EDUCATION CODE**

51000-51007 Legislative intent for education program, especially

51004 Education goals

51006 Computer education and resources

51007 Programs to strengthen technological skills

51041 Evaluation of educational program

**Instruction**

**Goals and Objectives (continued)**

Legal Reference: (continued)

52336-52336.5 Career preparatory programs

UNITED STATES CODE, TITLE 20

2301-2471 Carl D. Perkins Vocational and Applied Technology Act

5801-6084 National Education Reform, Goals 2000

6101-6251 School-to-Work Opportunities Act of 1994

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Academic Standards**

The Board of Trustees recognizes that content and performance standards are necessary to clarify for students, parents/guardians and staff members what students are expected to know and be able to do at each grade level and in each area of study. The Board shall adopt high standards for student achievement that meet or exceed statewide standards and challenge all students to reach their full potential. These standards shall reflect the knowledge and skills needed for students to be adequately prepared for high school, postsecondary education, employment, and responsible citizenship.

District standards shall be developed through a process that involves teachers, school site and district administrators, students, and, when appropriate, parents/guardians and community members. Standards shall be based on a review of state model standards and an assessment of the skills that students will need in order to be successful in the workplace and in higher education, including basic skills, problem-solving abilities and conceptual thinking. Special care shall be taken to ensure the proper articulation of standards among district schools.

(cf. 6010 - Goals and Objectives)

(cf. 0000 - Vision)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1700 - Relations Between Private Industry and the Schools)

( cf. 6146.5 - Elementary/Middle School Graduation Requirements)

Staff shall continually assess students' progress toward meeting the standards and shall offer remedial assistance in accordance with Board policy. The standards shall also provide a basis for evaluating the instructional program, making decisions about curriculum and assessment, and, as required by law, evaluating teacher performance.

(cf. 4115 - Evaluation/Supervision)

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

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

(cf. 6177- Summer School)

(cf. 6190 - Evaluation of the Instructional Program)

While desiring district standards to be specific and comprehensive, the Board does not intend that these standards be so extensive as to describe everything that will be taught in the classroom. Staff shall have sufficient time and flexibility to provide instruction that supplements the

**Instruction**

**Academic Standards (continued)**

standards. Staff shall also have flexibility to determine the best instructional methods to use in preparing students to meet the standards.

Teachers and school administrators shall receive ongoing professional development to inform them of changes in the standards and to build their capacity to implement effective standards-based instructional methodologies.

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall annually communicate the applicable standards to students and their parents/guardians to inform them of the expectations for student learning at their grade level.

Staff shall continually assess students' progress toward meeting the standards, report each student's progress to the student and his/her parents/guardians, and offer remedial assistance in accordance with Board policy and administrative regulation.

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

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary. At a minimum, District standards shall be reviewed whenever applicable statewide standards are revised and in response to changing student needs.

Legal Reference:

EDUCATION CODE

44662 Evaluation of certificated employees

51003 Statewide academic standards

60605-60605.5 Adoption of statewide academically rigorous content and performance standards

UNITED STATES CODE, TITLE 20

6311 State academic standards and accountability for Title I, Part A

Management Resources:

CSBA PUBLICATIONS

Common Core Standards, Fact Sheet, August 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

**Instruction**

**Academic Standards (continued)**

World Language Content Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2009

California Preschool Learning Foundations, Vol. 1, 2008

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

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, May 2005

Physical Education Model Content Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2005

Visual and Performing Arts Content Standards for California Public Schools, Prekindergarten Through Grade Twelve, January 2001

English-Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve, July 1999

History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve, October 1998

English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve, December 1997

Mathematics Content Standards for California Public Schools, Kindergarten Through Grade Twelve, December 1997

**WEB SITES**

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

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

Common Core State Standards Initiative: <http://www.corestandards.org>

Council of Chief State School Officers: <http://www.ccsso.org>

National Governors Association Center for Best Practices: <http://www.nga.org/center>

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; September 24, 2013

## **Instruction**

### **Parent Involvement**

The Board of Trustees recognizes that parents/guardians are their children's first and most influential teachers and that continued parental involvement in the education of children contributes greatly to student achievement and a positive school environment.

In order to engage parents/guardians positively in their children's education, the Superintendent or designee shall ensure that staff members and parents/guardians at each school:

1. Help parents/guardians develop parenting skills and provide home environments that support their children's academic efforts and their development as responsible members of society
2. Inform parents/guardians that they can directly affect the success of their children's learning and provide them techniques and strategies that they may use to improve their children's academic success and help their children in learning at home

(cf. 6154 - Homework/Make-Up Work)

3. Initiate consistent and effective two-way communication between the home and school so that parents/guardians may know when and how to help their children in support of classroom learning activities

(cf. 5124 - Communication with Parents/Guardians)

(cf. 5145.6 - Parental Notifications)

4. Receive training that fosters effective and culturally sensitive communication with the home, including training on how to communicate with non-English speakers and how to give parents/guardians opportunities to assist in the instructional process both at school and at home

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

5. Encourage parents/guardians to serve as volunteers in the schools, attend student performances and school meetings, and participate in site councils, advisory councils and other activities in which they may undertake governance, advisory and advocacy roles

(cf. 0420 - School Plans/Site Councils)



**Parent Involvement (continued)**

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff members on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

**Title I Schools**

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program (Education Code 11503).

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parents involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

**Non-Title I Schools**

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Pupil Motivation and Maintenance Program)

(cf. 0420.5 - School-Based Decision Making)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

(cf. 6171 - Title I Programs)

**Instruction**

**Parent Involvement (continued)**

Legal Reference:

EDUCATION CODE

11500-11506 Programs to encourage parental involvement

48985 Notices in languages other than English

51101 Parent rights and responsibilities

64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school

UNITED STATES CODE, TITLE 20

6311 Parental notice of teacher qualifications and student achievement

6312 Local educational agency plan

4314 School-wide programs

6316 School improvement

6318 Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids, and services

35.106 Communications

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 2, 2008

## **Instruction**

### **School Calendar**

The Superintendent or designee shall recommend to the Board of Trustees a calendar for each school that will meet the requirements of law as well as the needs of the community, students and the work year as negotiated for all personnel.

(cf. 4143/4243 - Negotiations/Consultation)

Each school calendar shall show the beginning and ending school dates, legal and local holidays, orientation meeting days, minimum days, vacation periods and other pertinent dates.

(cf. 6112 - School Day)

(cf. 6115 - Ceremonies and Observances)

(cf. 6177 - Summer School)

The district shall offer 180 days of instruction per school year.

Staff development days shall not be counted as instructional days.

(cf. 1431 – Waivers)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

Notifications of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year whenever possible. If any minimum days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development or close the school to students and non-classified staff. (Elections Code 12283)

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

(cf. 5113 - Absences and Excuses)

**Instruction**

**School Calendar (continued)**

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37220-37223 Holidays

37252-37253.5 Summer school

37300-37307 Year-Round School Demonstration Project

37600-37672 Continuous school programs: year-round schools, especially:

37618 School calendar

37700-37707 Four-day week

41422 Schools not maintained for 175 days

44579-44579.5 Instructional Time and Staff Development Reform Program

46200-46205 Incentives for longer instructional day and year

46206-Waiver

46300–Method of computing ADA

48980 Notice at beginning of term

ELECTIONS CODE

12283 School closures, election days

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**School Day**

The Board of Trustees shall fix the length of the school day subject to the provisions of law.  
(Education Code 46100)

(cf. 6111 - School Calendar)

The length of the school day shall apply equally to students with disabilities unless otherwise specified in the student's individualized education program or Section 504 plan.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall schedule class periods giving consideration to course requirements and curricular demands, availability of school facilities, the age and attention span of students, and legal requirements.

The schedule for elementary schools shall include at least one daily period of recess of at least 20 minutes in length in order to provide students with unstructured but supervised opportunities for physical activity.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

In establishing the daily instructional schedule for the intermediate school, the Board allows flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE

8970-8974 Early primary program, including extended-day kindergarten

37202 Equal time in all schools

37670 Year-round schools

46010 Total days of attendance

46100 Length of schoolday

46110-46119 Kindergarten and elementary schools (day of attendance)

46140-46147 Junior high school and high school (day of attendance)

46160-46162 Alternative schedule - junior high and high school

46170 Minimum day - continuation schools  
46180 Opportunity schools (minimum day)  
46190-46192 Adult school (day of attendance)  
46200-46206 Incentives for longer instructional day and year  
48200 Compulsory attendance for minimum school day  
48663 Community day school, minimum school day  
51222 Physical education, instructional minutes  
52326 Minimum school day for regional occupational center and programs

Management Resources:

NATIONAL ASSOCIATION FOR SPORT AND PHYSICAL EDUCATION POSITION STATEMENTS

Recess for Elementary School Students, 2006

STATE BOARD OF EDUCATION POLICY STATEMENTS

99-03 Physical Education (PE) Requirements

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Extending Learning Time for Disadvantaged Students, August 1995

WEST ED PUBLICATIONS

Full-Day Kindergarten: Expanding Learning Opportunities, Policy Brief, April 2005

WEB SITES

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

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

State Board of Education: <http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>

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

WestEd: <http://www.wested.org>

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; November 4, 2013

## **Instruction**

### **Emergencies and Disaster Preparedness Plan**

The Superintendent or designee shall develop and maintain a disaster preparedness plan that makes provision for handling foreseeable emergencies and disasters. The plan may be reviewed and updated at least annually.

The plan shall include, but not be limited to, the following topics:

1. Fire in a building of the district.
2. Fire from an external source, such as a forest, brush or grass fire.
3. Civil defense, with procedures in the event of bombing or land attack.
4. Bomb threat or actual detonation of a bomb.
5. Natural disasters, i.e. floods, heavy snows, blizzards, torrential rains, earthquakes, tornados.
6. Man-made disasters, i.e., smog, riot, airplane crashes, chemical accidents.

The Board of Trustees directs the Superintendent to establish procedures to be followed in case of earthquakes. Such procedures shall include, but not be limited to, the following:

1. A school building disaster plan for maintaining the safety and care of students and district personnel.
2. A DROP procedure/
3. Protective measures to be taken before, during and after an earthquake.
4. A program to ensure that students and district personnel are aware of and properly trained in the earthquake emergency procedure.

Practice drills of DROP procedures shall be held periodically so that students and staff may be adequately prepared in case of an earthquake.

The Board of Trustees may review and adopts a Disaster Preparedness Plan (Civil Defense).

## **Instruction**

### **Emergencies and Disaster Preparedness Plan (continued)**

The Superintendent shall require building principals to maintain working plans and procedures in line with the district plan. Site plans shall reflect the particular building diagram, architecture, site location and special environment, ages of students, transportation facilities and other appropriate concerns.

The plans shall be provided to all employees who shall be responsible for studying the plan and being prepared to operate effectively within its framework

It is the desire of the Board of Trustees that at least one person at each site should hold a valid certificate of proficiency in first aid.

The Board of Trustees of the school district shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining such services as the Board of Trustees may deem necessary to meet the needs of the community. (Education Code 44041.5)

#### Legal Reference:

##### EDUCATION CODE

32000-32004 Uniform fire signals (with requirement that every school building with capacity of 50 or more students be provided with a fire warning system.

32040 Duty to equip school with first aid kit

32200 Liability of employees for civil damage for injury during fire or other drill (shall not be held personally liable unless negligence or willful act of employee is proven)

35295 et seq. Earthquake emergency procedures

39834 Operating overloaded bus

40041.5 Use of school buildings and equipment for disaster shelters

46390-46392 Emergency average daily attendance in case of disaster, et. al.

##### ADMINISTRATIVE CODE, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;



**Instruction**

**Ceremonies and Observances**

Patriotic Exercises

The Pledge of Allegiance shall be recited at the beginning of each school day, and U.S. Constitution Week shall be celebrated during the third week of September each year.

Special Days and Events

The following holidays shall be observed in the District:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	The Third Monday in January
Lincoln Day	Second Monday in February
Washington Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Thursday in November designated by the President
Christmas Day	December 25

Legal Reference:

EDUCATION CODE

37220-38232 Saturdays and holidays

37227.6 Day of the Teacher

45203 Paid holidays

52720 Daily performance of patriotic exercises in public schools

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; November 4, 2013

## **Instruction**

### **Ceremonies and Observations**

In observing holidays, the following rules shall be observed:

1. Teachers are asked to discourage the collection of funds by pupils and/or parents for gifts to the individual teachers.
2. The use of Christmas trees may be restricted to one large tree in each building, donated, if desired, by the local PTA. If trees are used in the classroom, the tree should be small and preferably artificial. The tree must be fireproof. Any deviation of this rule must be approved by the principal.
3. Classroom decorations in connection with the Christmas holidays should be removed at the conclusion of the last day of school prior to vacation.
4. When observing any holiday of religious origin, remember to keep in mind the beliefs of all children and their families.

### **Patriotic Exercises**

Each school shall conduct patriotic exercises daily. These patriotic exercises shall consist of the reciting of the Pledge of Allegiance and may also include instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

At the intermediate school, such exercises shall be conducted at the beginning of the school day or during the homeroom period.

Individuals may choose not to participate in the flag salute for personal reasons.

### **Display of Flag**

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of every district school and on or near the district office. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

When displayed on a building or on a flagstaff in the open, the national flag shall be displayed only from sunrise to sunset unless properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather unless an all-weather flag is used. (4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress
5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government or a member of the Armed Forces from the state who has died while serving on active duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; November 4, 2013

## **Instruction**

### **Classroom Interruptions**

Student instructional time is the most valuable resource offered by the school district. The Board of Trustees recognizes its obligation to minimize the number of classroom interruptions in order that students and teachers may fully take advantage of all opportunities for learning and personal enrichment in the classroom setting. The Board recognizes that such a policy must make the necessary allowances for interruptions caused by emergencies and other urgent situations.

1. Intercoms and/or public address systems shall be used sparingly.
2. Whenever possible, the delivery of routine messages should be limited to designated periods during the day.
3. Whenever possible, visitations by parents or guests should be arranged in advance through the school office.

#### Legal Reference:

EDUCATION CODE

32212 Classroom interruptions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Curriculum Development and Evaluation**

The Board of Trustees is responsible for determining the content of what should be taught in district schools. Therefore, the Board shall approve a district curriculum, which to the extent possible, reflects the desires of the community, the needs of society and the requirements of the law. Curriculum evaluation and improvement shall be considered a major priority for the district and an ongoing process that is part of the routine operation of the school and district.

The Assistant Superintendent for Curriculum shall annually implement a process for curriculum development and evaluation that includes input from the administration, staff, parent groups, advisory committees, the community, students and the Board, and utilizes existing review processes adopted by the State Board of Education. The evaluation and selection of instructional materials shall be coordinated with the process of curriculum development and shall be consistent with Board adopted philosophy, goals and objectives and criteria for evaluation.

Instruction – District Criteria for Annual Evaluation of Consolidated Programs – Legal Reference: 5 CCR 3942

It is the purpose of Consolidated Programs to increase the effectiveness of instructional programs and to improve the academic performance of students who are educationally disadvantaged, of limited English proficiency, gifted or talented, or students with exceptional needs. It is the policy of this district that Consolidated Application programs shall be annually evaluated to determine their effectiveness in realizing this purpose.

The district shall annually review the academic performance of each numerically significant student group at each school receiving Consolidated Application funds. The district shall use the statewide Academic Performance Index (API), including disaggregated data for each numerically significant student group, along with other measures of student progress contained in school plans or adopted by the district.

The effectiveness of Consolidated Programs shall be determined by the progress toward meeting the growth targets established for identified student groups according to the Academic Performance Index. The Superintendent shall annually report these results to the Board and make them available to each school site council.

Annually, each school site administrator working with staff and school site council will update their school plan necessary to meet the API growth targets for underperforming student groups.

**Instruction**

**Curriculum Development and Evaluation (continued)**

Criteria to Determine Program Effectiveness:

1. Each school receiving Consolidated Programs funds will annually meet its schoolwide API growth target.
2. Each school receiving Consolidated Programs funds will annually meet its API growth target for each numerically significant subgroup.
3. Each school will meet 90% or more of its goals contained in its school plan and/or goals adopted by the district for each school, as applicable.

The Superintendent shall keep the Board informed regarding curriculum efforts, and shall report findings relative to the actual delivery of the district curriculum, supplemental programs and of student achievement results.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Curriculum Development and Evaluation**

#### **INDICATORS OF STUDENT ACHIEVEMENT**

##### Evaluation of Services to Title I Students

1. Following at least one year of Target Assistance Instruction in reading and language, a minimum of 50% of the participating Title I students will score mid-basic or above on the California Standards Test for English/Language Arts.
2. Participating Title I students will make their adequate yearly progress (AYP) objective as measured by the API for socioeconomically disadvantaged students.

##### Evaluation of Services to English Learners' Academic Achievement Performance

1. A minimum of 50% of LEP students will score Basic or above in English/Language Arts and Math on the California Standards Test (CST).
2. As a subgroup, English Learner students will achieve their Adequate Yearly Progress (AYP) and their Academic Performance Index (API) growth targets.

##### Reclassified and Former LEP Student Performance

1. The district will maintain a minimum annual reclassification rate of 20% for English Learner students who have received ELD services for a minimum of four years.
2. A minimum of 50% of all former EL students reclassified to Fluent English Proficient (FEP) status will maintain a minimum academic grade point average of "C."

##### Evaluation of the School Improvement Program (Single Plan for Student Achievement)

1. Each school shall annually submit to the Board of Trustees an evaluation that indicates the extent to which the school has accomplished, or made significant progress toward, achieving its school improvement goals as stated in their Single Plan for Student Achievement. Based on current student test data, the annual evaluation report will include a Targeted Improvement Plan to amend the school's master plan.

**Instruction**

**Curriculum Development and Evaluation (continued)**

2. Each school shall maintain an annual monitoring system of the Single Plan for Student Achievement that shall be reviewed with staff and school site council for program improvement input.

Evaluation of Title V – Innovative Programs

1. Each site receiving Title V funds for library maintenance and inventory shall keep an accounting of all new library and classroom supplemental books and materials. Core literature books, history/social studies literature books and materials, computer lab software and labpacks and other instructional media purchased will be inventoried annually with replacements funded through school site funds.

Each site administrator is responsible for monitoring the consistent use of all materials purchased with Title V funds to support and enhance the core curriculum.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;



## **Instruction**

### **Patriotism**

It shall be the policy of the Lowell Joint School District to teach to all children principles of patriotism, including love of country, respect for our national leaders and heroes past and present, and appreciation for the form of government of the United States.

The goals in the teaching of patriotism shall be to:

1. Teach pupils in the principals of morality, truth, justice and patriotism and to instruct them in the principles of a free government.
2. Instill in pupils a true comprehension of the rights, duties and dignity of United States citizenship.
3. Build an understanding that education in our democracy is concerned with the education of free men – loyal to the values and processes of democracy, with knowledge to guard their freedom and with the discipline and vision to enable them to sacrifice personal and immediate gain to the general welfare.
4. Develop an understanding and appreciation of our national heritage and traditions.
5. Instill love, pride and appreciation for our country's way of life.
6. Build enthusiasm about the values of our democracy for all peoples.
7. Teach the advantages of a free society as contrasted with totalitarian and communistic doctrines.
8. Understand the proper role of our country in today's world as the example of democracy, free enterprise and stability of government.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Recognition of Religious Beliefs and Customs**

The instructional program of the schools may include references to religion or the use of religious literature, art, music or any other aspect of religion when such references are incidental to or are used to illustrate the subject matter being taught.

Any instruction in these schools that may be contrary to a student's religious beliefs and teachings may be viewed as optional for that student.

The Board of Trustees recognizes that holidays demonstrate the diversity and rich heritage of our community members. Classroom decorations and costumes may express seasonal themes.

(cf. 5113 – Absences and Excuses)

(cf. 6144 – Controversial Issues)

Legal Reference:

EDUCATION CODE

51240 Excuse from health instruction and family life and sex education due to religious belief

51511 Religious matters properly included in courses of study

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**Recognition of Religious Beliefs and Customs**

Teaching of Material That Has Religious Significance

The following options will be available to students whose religious beliefs are in conflict with the subject matter being taught:

1. The student will be excused from attending the class while that topic is under study with no penalty of any kind.
2. The students will attend the class, but no examination about the topic will be required of the student. No penalty for not taking the examination will be assessed.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

## Instruction

### English Learner Students

The goal of educational programs for all students is to enable them to become successful adults in an American society whose common language is English. The primary objective of such programs is the acquisition of communicative and cognitive skills in the English language.

The district's efforts to identify and assist English Learner (EL) students shall be based on sound educational practice and research that meet the requirements of the law, accomplish the Board's goals, and meet the diverse needs of students.

The Superintendent shall maintain procedures that provide for the careful identification, assessment, and placement of English Learner (EL) students.

In pursuit of these educational goals, all EL students shall receive an annual language and skills assessment according to state and district guidelines (Education Code 52171.6). Each EL student shall receive a program of instruction in English language development in order to develop proficiency in English as effectively and efficiently as possible.

English Learners shall be reclassified as fluent English proficient when they have acquired the English language skills of reading, writing, listening, and speaking proficiency necessary to receive instruction in English only in accordance with program procedures outlined in AR 6141.4.

In addition to an objective assessment instrument, including, but not limited to, the State test of English language development, the reclassification process shall include, teacher evaluation, including, but not limited to, a review of the student's curriculum mastery; and, parent opinion and consultations; and comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age. (Education Code 52164.4 and Administrative Code 4306)

#### Legal Reference Education Code

4425305; 44253.6	Certification for bilingual-bicultural competence
5200 et seq.	Improvement of elementary and secondary education
52060-52065	Native American Indian education program
52130-52136	Impacted Languages Act of 1984
52150-52151	Bilingual teacher grant program
52160-52179	Bilingual teacher training assistance program
5400 et seq.	Programs for disadvantaged children

#### Administrative Code, Title 5

4300-4320	Bilingual Education program requirements
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## **Instruction**

### **English Learner Students (continued)**

Students are considered fluent English proficiency when they meet the following four criteria:

- a) Assessment of English language proficiency (ELP), using an objective assessment instrument, including, but not limited to, the state test of English language development; and
- b) Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery; and
- c) Parent opinion and consultation; and
- d) Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

### **Academic Success**

While English language acquisition is the primary objective of the English Language Development program, students are provided access to the core curriculum through individual and small group structures, SDAIE instructional techniques, multi-media materials, and specialized reading and math programs. EL students fully access the core curriculum at their own level of comprehension, assisted by the classroom teacher and bilingual instructional aides. English Learners are monitored for language proficiency and academic progress on an on-going basis. A set of District and State mandated assessments are used to monitor student progress.

### **Self-Esteem**

Cross-cultural awareness is an integral part of the curriculum. Students are validated for their unique backgrounds and experiences in their efforts to achieve English language fluency.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; October 6, 2008; August 14, 2017

## **Instruction**

### **English Learners**

The instructional and auxiliary goals for providing services and resources to English Learners are:

Objectives:

1. Proper identification of students of limited English Proficiency
2. English language proficiency through immersion and English language development
3. Academic success through access to the core curriculum utilizing the immersion technique English Language Development, Specially Designed Academic Instruction in English (SDAIE) and district support of personnel and materials.
4. Self-esteem through success in achieving English language acquisition.

### Eligibility

Students identified as English Learners (EL) through a State-approved assessment procedure are eligible for services. The identification procedures include:

- Home Language Survey
- Assessment of English language proficiency, including, but not limited to, the state test of English language development.

### English Language Proficiency

Students are designated English Learners when they fall below the threshold of level 3 on the English language proficiency (ELP) initial or summative assessments.

## **Instruction**

### **English Learners (continued)**

Students are considered fluent English proficiency when they meet the following four criteria:

- a) Assessment of English language proficiency (ELP), using an objective assessment instrument, including, but not limited to, the state test of English language development; and
- b) Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery; and
- c) Parent opinion and consultation; and
- d) Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

### **Academic Success**

While English language acquisition is the primary objective of the English Language Development program, students are provided access to the core curriculum through individual and small group structures, SDAIE instructional techniques, multi-media materials and specialized reading and math programs. EL students fully access the core curriculum at their own level of comprehension, assisted by the classroom teacher, bilingual instructional assistants, and/or ELD teacher specialists. Longitudinal assessment data for each EL student is kept to monitor academic progress as students move through the various sequential programs. Transitional students are carefully monitored and receive assistance from an instructional assistant as appropriate.

### **Self-Esteem**

Cross-cultural awareness is an integral part of the curriculum. Students are validated for their unique backgrounds and experience in their efforts to achieve English language fluency.

Regulation Approved: March 23, 1987; August 14, 2017

Regulation Revised: September 26, 2005; February 27, 2006; October 6, 2008

## **Instruction**

### **Family Life Education**

The Board of Trustees believes that a wholesome, well-planned sequence of instruction about family life is essential to the general education of all students. Lack of information or pervasive misinformation can cause low self-esteem, increased risk for sexually transmitted disease, unintended pregnancy or sterility and school dropout.

The district family life education program shall encourage students to be abstinent and to conceptualize sexual behavior in the ethical and moral context of marriage. The program shall be age-appropriate and emphasize that abstinence from sex is the only totally effective protection against unwanted pregnancy, sexually transmitted diseases and sexually transmitted AIDS.

Teachers who provide instruction in family life education shall have professional preparation, either pre-service or in-service, in the subject area.

### **Parental Notification and Involvement**

Parents/guardians shall be notified in writing before students are offered any instruction in which human reproductive organs and their functions, processes or diseases are described, illustrated or discussed. This notification shall inform parents/guardians that they may request in writing that their child not attend the class. No student shall attend such instruction if the school receives this request. (Education Code 51550, 51820) At the parent/guardian's request, any student may be excused from any part of Family Life education instruction.

(cf. 1312-2 – Controversial Issues)

All materials used for the above instruction shall be available for inspection by parents/guardians at reasonable times and places prior to the onset of instruction. The above notification shall inform parents/guardians of their right to inspect these materials. (Education Code 51550, 51820)

(cf. 1312.1 – Complaints Concerning Instructional Material)

The notifications specified above shall be either mailed to all parents/guardians or sent home with all students at the beginning of each school year. If notice is sent home with the students, parents/guardians shall be asked to sign and return to the school a slip indicating that they have read the notification. If the slips are not returned, parental approval shall be confirmed by mail.



**Instruction**

**Family Life Education (continued)**

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of Student Rights

7906 Sex education

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**Family Life Education**

Comprehensive Sexual Health Instruction

The district's sexual health education curriculum shall satisfy the following criteria: (Education Code 51931, 51933)

1. Instruction and materials shall be age appropriate.

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents.

2. All factual information presented shall be medically accurate and objective.

3. Instruction shall be made available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner student, as otherwise provided in the Education Code.

(cf. 6174 - Education for English Language Learners)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Family Life Education**

In all sex education courses that discuss human sexuality, course material and instruction shall:

1. Be age appropriate.
2. Teach honor and respect for monogamous heterosexual marriage.
3. Stress that students should abstain from sexual intercourse until they're ready for marriage.
4. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage and the consequences of unwanted adolescent pregnancy.
5. Emphasize that the student has the power to control personal behavior. Students shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control and ethical considerations, such as respect for one's self and others.
6. Teach students not to make unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances. Students shall be taught that it is wrong to take advantage of, or to exploit, another person. The material and instruction shall also encourage youth to resist negative peer pressure. (Education Code 52552)

**Instruction**

**Environmental Education**

The Board of Trustees encourages school and classroom activities that encourage students to recycle, conserve water and energy, use biodegradable materials when possible, and dispose of wastes in an environmentally sound way.

The Board encourages staff to provide students with opportunities to increase their understanding of science and the interdependence of living things.

Legal Reference:

EDUCATION CODE

8700-8707 Environmental education

8720-8723 Conservation education service

8760 Authorization of outdoor science and conservation program

37222 John Muir; recognition of his contributions

51210 Areas of study, grades 1-6

51220 Areas of study, grades 7-12

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Physical Education**

The Board of Trustees recognizes the positive benefits of physical activity for student health and academic achievement. The Board desires to provide a physical education program that builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6190 - Evaluation of the Instructional Program)

The Board shall approve the components of the physical education program. The District's program shall include a variety of kinesthetic activities, including team and individual sports.

(cf. 6143 - Courses of Study)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6164.6 - Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)  
(cf. 5141.7 - Sun Safety)  
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

### **Physical Fitness Testing**

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9. The Superintendent or designee shall annually report to the Board the results of the state physical fitness testing for each school and applicable grade level.

(Education Code 60800; 5 CCR 1041)

**Instruction**

**Physical Education (continued)**

Exemptions

The Superintendent or designee may grant temporary exemption from physical education under any of the following conditions:

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided. (Education Code 51241)
2. The student is enrolled for one-half time or less. (Education Code 51241)

(cf. 6145.2 - Athletic Competition)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Legal Reference:

EDUCATION CODE

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test

3051.5 Adapted physical education for individuals with exceptional needs

10060 Criteria for high school physical education programs

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 230 (1970)

**Instruction**

**Physical Education (continued)**

Management Resources:

CSBA PUBLICATIONS

Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010

Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009

Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009

Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

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

California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):  
<http://www.californiaprojectlean.org>

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

Educational Data System, California physical fitness:

<http://www.eddata.com/projects/current/cpf>

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

President's Council on Physical Fitness and Sports: <http://www.fitness.gov>

The California Endowment: <http://www.calendow.org>

U.S. Department of Health and Human Services: <http://www.health.gov>

## **Instruction**

### **Physical Education**

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetimes, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while exercising. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

### **Instructional Time**

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days. (Education Code 51210, 51223)

### **Physical Performance Testing**

During the month of February, March, April or May, students in grades 5 and 7 shall undergo the physical performance testing designated by the State Board of Education. Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the District's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the District and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those



**Instruction**

**Physical Education (continued)**

specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

(cf. 6162.5 - Student Assessment)

Students shall be provided with their individual results after completing the physical performance testing. The test results may be provided in writing or orally as the student completes the testing. (Education Code 60800)

Each student's scores on the physical performance test shall be included in his/her cumulative record. (5 CCR 1044)

(cf. 5125 - Student Records)

Each student's test results shall also be provided to his/her parents/guardians.

The Superintendent or designee shall report the aggregate results of the physical fitness testing in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

**Testing Variations**

All students may be administered the State's physical fitness test with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

**Instruction**

**Physical Education (continued)**

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; December 9, 2013

## **Instruction**

### **Comprehensive Health Education**

Health education should foster the knowledge, skills and behaviors that students need in order to lead healthy, productive lives. The district's health education program shall teach personal responsibility for one's own lifelong health, respect for and promotion of the health of others, the process of growth and development, and informed use of health-related information, products and services.

The district seeks to provide a planned, sequential health education curriculum for students in grades K-8 that is research based and age appropriate. The content of health instruction shall be offered in accordance with law, Board policy, administrative regulation and state curriculum frameworks.

(cf. 6143 - Courses of Study)

The Board intends for health education to be part of a comprehensive district program to promote the health and well-being of students and staff. Instruction in health-related topics shall be supported by physical education, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment.

(cf. 3513.3 - Tobacco-Free Schools)  
(cf. 3514 - Environmental Safety)  
(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 4020 - Drug and Alcohol-Free Workplace)  
(cf. 4119.43/4219.23/4319.23 - Universal Precautions)  
(cf. 5141.23 - Infectious Disease Prevention)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.6 - Student Health and Social Services)  
(cf. 5142 - Safety)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)  
(cf. 6142.7 - Physical Education)  
(cf. 6164.2 - Guidance/Counseling Services)

#### Legal Reference:

##### EDUCATION CODE

233.5 Duty concerning instruction of students

8850.5 Family relationships and parenting education

35183.5 Sun protection

49413 First aid training

49430-49436 Pupil Nutrition, Health and Achievement Act of 2001

**Instruction**

**Comprehensive Health Education (continued)**

Legal Reference: (continued)

49490-49493 School breakfast and lunch programs

49500-49505 School meals

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and dangerous drugs

51210 Areas of study

51220.5 Parenting skills; areas of instruction

51260-51269 Drug education

51265 Gang violence and drug and alcohol abuse prevention inservice

51513 Personal beliefs

51890-51891 Comprehensive health education programs

51913 District health education plan

51920 Inservice training, health education

51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

CALIFORNIA CODE OF REGULATIONS, TITLE 5

11800-11801 District health education plan

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Comprehensive Health Education**

#### Content of Instruction

The district's health education program should include instruction to aid students in making decisions in matters of personal, family and community health, including the following topics: (Education Code 51890)

1. The use of health care services and products
2. Mental and emotional health and development
3. Use and misuse of drugs, including tobacco and alcohol
4. Family health and child development, including the legal and financial aspects and responsibilities of marriage and parenthood
5. Oral health, vision and hearing
6. Nutrition, which may include related topics such as obesity and diabetes prevention
7. Exercise, rest and posture
8. Diseases and disorders, including sickle cell anemia and related genetic diseases and disorders
9. Environmental health and safety
10. Community health

#### Involvement of Health Professionals

The district's health education program may involve the community, including professional health and safety personnel, in classroom teaching of health education. (Education Code 51913)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Reading/Language Arts Instruction**

The Board of Trustees recognizes that reading and other language arts constitute the basic foundation for learning in other disciplines. Students should develop an appreciation for literature and for reading as a means to acquire knowledge. They also should develop oral and written language skills that enable them to effectively communicate with others.

(cf. 6143 - Courses of Study)

The Board desires to offer a comprehensive, balanced reading/language arts program that ensures that all students have the skills necessary to read fluently and for meaning. The program shall integrate reading, writing, speaking and listening activities in order to build strong communication skills.

For each grade level, the Board shall adopt academic standards in reading, speaking and writing, including spelling and grammar. The District's program also shall be aligned with the state framework for reading/language arts instruction.

(cf. 6011 - Academic Standards)

Teachers are encouraged to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers. The Superintendent or designee shall provide professional development opportunities to ensure that teachers are knowledgeable about how students develop language skills, are able to analyze students' developing literacy and are able to draw from a variety of instructional strategies and materials.

(cf. 4131 - Staff Development)

The Superintendent or designee shall ensure that the district's reading/language arts program offers sufficient access to reading materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.7 - Use of Technology in Instruction)

(cf. 6163.1 - Library Media Centers)

## **Instruction**

### **Reading/Language Arts Instruction (continued)**

#### Grades K-3

The goal of the District's early literacy program shall be to ensure that students are able to read fluently and at grade level by the end of third grade. To reach this goal, the Superintendent or designee shall design a balanced and comprehensive reading/language arts program with the following components:

1. Explicit skill development for beginning readers that includes phonemic awareness, phonics and decoding skills, and sufficient practice and repetition of these skills
2. A strong literature, language and comprehension program that includes a balance of oral and written language
3. Ongoing diagnosis of individual students' skills
4. An early intervention program that provides assistance to children at risk of reading failure

Teachers may participate in training activities designed to assist them in implementing a comprehensive K-3 reading program.

#### Grades 4-8

The Board recognizes that reading/language arts instruction is an integral component of the curriculum at all grade levels. Continuous progress in fluency and comprehension shall be the goal of reading/language arts instruction in grades 4-8.

The program in these grades shall promote reading for subject matter comprehension, developing understanding of progressively more advanced reading material, analyzing and discussing a variety of reading materials, increasing the frequency of reading, developing more complex writing skills with attention to composition and vocabulary, and developing other communications skills.

When students in these grades do not have fully developed reading/language arts skills, resources shall be made available to assist them in reaching a reading level sufficient to meet the demands of grade-level material. Staff at all grade levels and in every subject shall take responsibility for supporting and expanding students' literacy skills.

**Instruction**

**Reading/Language Arts Instruction (continued)**

Supplementary Reading Instruction

To assist those students who are experiencing difficulty learning to read and to increase the reading skills and reading enjoyment of all students, the Board may offer elementary students in grades K-4 increased instructional opportunities before or after school and/or outside the regular school session to assist those students who are experiencing difficulty learning to read and to increase the reading skills and reading enjoyment of all students.

- (cf. 6176 - Weekend/Saturday Classes)
- (cf. 6177 - Summer School)
- (cf. 0420 - School Plans/Site Councils)
- (cf. 5123 - Promotion/Acceleration/Retention)
- (cf. 5148.2 - Before/After School Programs)
- (cf. 6176 - Weekend/Saturday Classes)
- (cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

- 41505-41508 Pupil Retention Block Grant
- 41530-41532 Professional Development Block Grant
- 44277 Professional growth requirements
- 44735 Teaching as a Priority Block Grant
- 44755-44759.7 Teacher reading instruction development program
- 51210 Areas of study, grades 1-6
- 51220 Areas of study, grades 7-12
- 51700-51702 Reading First
- 53000-53006 Comprehensive Reading Leadership Program
- 60119 Sufficiency of textbooks and instructional materials
- 60200.4 Fundamental skills
- 60350-60352 Core reading program instructional materials
- 60605 State-adopted content and performance standards in core curricular areas
- 99220-99221 California Reading Professional Development Institutes
- 99230-99242 Mathematics and Reading Professional Development Program (AB 466 trainings)

CODE OF REGULATIONS, TITLE 5

- 9535 Purchase of nonadopted core reading program instructional materials
- 11980-11985 Mathematics and Reading Professional Development Program (AB 466 trainings)
- 11991-11991.2 Reading First achievement index



**Instruction**

**Reading/Language Arts Instruction (continued)**

UNITED STATES CODE, TITLE 20

6361-6368 Reading First Program

6371-6376 Early Reading First Program

6381-6381k Even Start Family Literacy Program

6383 Improving literacy through school libraries

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Child a Reader, 1995

English-Language Arts Framework for California Public Schools

English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Recommended Literature: Kindergarten Through Grade Twelve

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Guidance for the Reading First Program, April 2002

WEB SITES

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

California Department of Education, Reading/Language Arts: <http://www.cde.ca.gov/pd/ca/rl>

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; December 9, 2013

## **Instruction**

### **Reading/Language Arts Instruction**

#### Professional Development in Reading Instruction

The Superintendent or designee may provide professional development in reading instruction for teachers of grades K-3 which addresses the subject matter specified in Education Code 44757.

Professional development in reading instruction for teachers of grades 4-8 who teach in self-contained classes shall include the subject matter specified in Education Code 44759.

To the extent feasible, all certificated teachers participating in the program at the applicable grade levels shall receive this training, which also shall be available to school site administrators. The training shall not cause a reduction in student instructional time. (Education Code 44757, 44759)

The Superintendent or designee may use current and/or former employees as instructors to provide this training as long as content and other program requirements are met. (Education Code 44757.2, 44759.2)

If the district contracts with a staff development provider to provide this training, the Superintendent or designee shall ensure that the provider has been approved by the State Board of Education pursuant to Education Code 44757.1 or 44759.1. (Education Code 44757, 44759)

(cf. 4131 - Staff Development)

#### Intensive Reading Program for Grades K-4

The district's intensive reading program for students in grades K-4 may offer instruction four hours per day for six continuous weeks during the summer or when school is not regularly in session. In the event of facilities constraints or for other educational reasons, the district may offer instruction before school, after school, on Saturdays, during intersessions, or in a combination of these and summer school. Instruction may be offered during the regular instructional day.

(cf. 6177 - Summer School)

The instruction shall include: (Education Code 53027)

1. The study of organized, systematic, explicit skills, including phonemic awareness, phonics and decoding skills

**Instruction**

**Reading/Language Arts Instruction (continued)**

2. A strong literature, language and comprehension component with a balance of oral and written language
3. Ongoing diagnostic techniques that inform teaching and assessment
4. Early intervention techniques

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Mathematics Instruction**

The Board of Trustees desires to offer a rigorous mathematics program that provides a strong foundation in basic mathematical skills and prepares students to apply mathematics in real life. The Superintendent or designee shall develop grade-level curricula that offer a balanced instructional program, including but not limited to:

1. Basic mathematical skills: quantification, basic facts, sorting and classification, and computational skills including addition, subtraction, multiplication, division, fractions, decimals, squares and square roots
2. Conceptual understanding: knowledge and application of facts and definitions, identification of principles, understanding of relationships among mathematical concepts, recognition and application of signs, symbols and terms
3. Problem solving: use of mathematical concepts, skills, tools and reasoning strategies to formulate and solve problems in a variety of situations

The mathematics program shall develop such knowledge and skills in the subject areas of numbers, measurement, geometry, functions, statistics and probability, logic, algebra and discrete mathematics.

(cf. 6143 - Courses of Study)

The Board shall establish specific content and performance standards in mathematical skills, concepts and problem-solving ability for each grade level. Students at risk of failing to meet performance standards shall receive additional assistance and intervention.

The Superintendent or designee may provide that certificated staff have opportunities to participate in professional development activities designed to increase their knowledge and skills in effective mathematics teaching practices.

(cf. 4131 - Staff Development)

Students shall have access to sufficient instructional materials to support a balanced mathematics program.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.7 - Use of Technology in Instruction)

**Instruction**

**Mathematics Instruction (continued)**

Legal Reference:

EDUCATION CODE

51210 Areas of study, grades 1 through 6

51220 Areas of study, grades 7 through 12

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**Mathematics Instruction**

The Board of Trustees recognizes that a well-articulated sequence of courses fosters academic progress and makes for the best possible use of instructional time.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district and shall work with representatives of the Fullerton Joint Union High School District ensure articulation of courses between elementary and secondary schools.

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary school course of study.

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

Courses of study for grades 7 and 8 shall prepare students to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry upon graduation from high school. (Education Code 51228)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6030 - Integrated Academic and Vocational Instruction)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

**Instruction****Science Instruction**

The Board of Trustees believes that science education should focus on giving students an understanding of key scientific concepts and a capacity for scientific ways of thinking. Students should become familiar with the natural world and the interrelation of science, mathematics and technology. As part of their science instruction, students should learn how to apply scientific knowledge and ways of thinking for individual and vocational purposes.

(cf. 6142.92 - Mathematics Instruction)

(cf. 6143 - Courses of Study)

(cf. 6162.7 - Use of Technology in Instruction)

As a matter of principle, science teachers are professionally bound to limit their teaching to content that meets the criteria of scientific fact, hypothesis and theory as these terms are used in natural sciences. A scientific fact is an understanding based on confirmable observations and is subject to test and rejection. A scientific hypothesis is an attempt to frame a question as a testable proposition. A scientific theory organizes and explains a range of natural phenomena on the basis of facts and hypotheses. Scientific theories are constantly subject to testing, modification and refutation as new evidence and new ideas emerge.

Philosophical and religious theories are based, at least in part, on faith, and are not subject to scientific test and refutation. Such beliefs may be discussed in science classes, and may be addressed in the social science and language arts curricula. Evolution and Creationism may be taught concurrently as equal concepts in the study of mankind.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6142.91 - Reading/Language Arts Instruction)

Legal Reference:

EDUCATION CODE

51210 Areas of study, grades 1 through 6

51220 Areas of study, grades 7 through 12

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Courses of Study**

The Board of Trustees recognizes that a well-articulated sequences of courses fosters academic progress and makes for the best possible use of instructional time. The District's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and the 21<sup>st</sup> Century workplace.

(cf. 6011 - Academic Standards)

(cf. 6141 – Curriculum Development and Evaluation)

(cf. 6161.1 – Selection and Evaluation of Instructional Materials)

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district and shall work with representatives of the Fullerton Joint Union High School District to ensure articulation of courses between elementary and secondary schools. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary school course of study.

(cf. 6146.5 – Elementary/Middle School Graduation Requirements)

### **Secondary Grades**

The district shall offer all otherwise qualified students in grades 7-8 a course of study that prepares them, upon 8<sup>th</sup> grade graduation, to meet the requirements and prerequisites needed to enter high school. (Education Code 51228)

### **Legal Reference:**

#### **EDUCATION CODE**

33540 Government and civics instruction in interaction with government agencies

48980 Parental notifications

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

51204 Course of study designed for student's needs

51204.5 Social science instruction; history of California; contributions of various groups

51210-51212 Course of study for grades 1-6

51220-51230 Course of study for grades 7-12



**Instruction**

**Courses of Study (continued)**

51241 Exemption from physical education  
51911-51921 Comprehensive health education  
51930-51939 Comprehensive sexual health and HIV/AIDS prevention instruction  
51940 Curriculum for brain and spinal cord injury prevention  
53278-53280 Supplemental School Counseling Program  
60040-60052 Requirements for instructional materials

**HEALTH AND SAFETY CODE**

11032 Definition of dangerous drugs

**CODE OF REGULATIONS, TITLE 5**

10020-10049 Automobile driver education and training

10060 Physical education program

**UNITED STATES CODE, TITLE 20**

6101-6251 School-to-Work Opportunities Act of 1994

**Management Resources:**

**WEB SITES**

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

California Career Resource Network: <http://www.californiacareers.info>

California Colleges.edu: <http://www.californiacolleges.edu>

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

California State University, Admission Requirements:

[http://www.csumentor.edu/planning/high\\_school](http://www.csumentor.edu/planning/high_school)

University of California, a-g Course Submissions: [http://www.ucop.edu/a-gGuide/ag/course\\_submissions](http://www.ucop.edu/a-gGuide/ag/course_submissions)

University of California, List of Approved a-g

Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; December 9, 2013

**Instruction**

**Courses of Study**

Grades 1-6

Courses of study for grades 1 through 6 shall include but are not limited to the following:

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Mathematics: concepts, operational skills and problem solving (Education Code 51210)

(cf. 6142.92 - Mathematics Instruction)

3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, including instruction in: (Education Code 51210)

- a. The history, resources, development and government of California and the United States.

Instruction shall include the early history of California and a study of the role and contributions of men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5 and 60040)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6141.6 - Multicultural Education)

- b. The development of the American economic system, including the role of the entrepreneur and labor.
- c. The relations of persons to their human and natural environments.
- d. Eastern and western cultures and civilizations.
- e. Contemporary issues.

**Instruction**

**Courses of Study (continued)**

- f. The wise use of natural resources.

(cf. 6142.5 - Environmental Education)

4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems. (Education Code 51210)

(cf. 6142.93 - Science Instruction)

5. Visual and performing arts: instruction in dance, music, theatre, and visual arts aimed at developing aesthetic appreciation of creative expression. (Education Code 51210)

(cf. 6142.6 - Visual and Performing Arts Education)

6. Health: principles and practices of individual, family and community health. (Education Code 51210) The adopted course of study shall provide instruction at the appropriate grade levels and subject areas in: (Education Code 51202)

- a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available.
- b. Fire prevention.
- c. The protection and conservation of resources including the necessity for the protection of the environment.
- d. Venereal disease.

(cf. 6142.1 – Family Life Education)

- e. The effects of alcohol, narcotics, drugs and tobacco upon the human body.

(cf. 5131.6 - Alcohol and Other Drugs)

- f. Violence as a public health issue.

**Instruction**

**Courses of Study (continued)**

7. Physical education, with emphasis on physical activities conducive to health and vigor of body and mind. (Education Code 51210)

(cf. 6142.7 - Physical Education)

(cf. 6010 - Goals and Objectives)

8. Career awareness exploration

(cf. 6178 – Career Technical Education)

Grades 7-8

Courses of study for grades 7 through 12 shall include the following:

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

1. English: knowledge and appreciation of literature, language and composition, and the skills of reading, listening and speaking (Education Code 51220)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51220)

a. The history, resources, development and government of California and the United States, including instruction in:

(1) Early California history, and the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5)

(2) World War II and the role of Americans and Filipinos in that war.

(3) The Vietnam War, including the “Secret War” in Laos and the role of Southeast Asians in that war.

**Instruction**

**Courses of Study (continued)**

b. Eastern and western cultures and civilizations

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6141.6 - Multicultural Education)

3. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)

(cf. 6142.7 - Physical Education)

4. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences. (Education Code 51220)

(cf. 6142.93 - Science Instruction)

5. Mathematics: mathematical understandings, operational skills and problem-solving procedures; algebra (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

6. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression. (Education Code 51220)

(cf. 6142.6 - Visual and Performing Arts Education)

7. HIV/AIDS prevention (Education Code 51934)

(cf. 6142.1 – Family Life Education)

8. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)

- a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available
- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of our environment
- d. Venereal disease

**Instruction**

**Courses of Study (continued)**

- e. The effects of alcohol, narcotics, drugs and tobacco upon the human body and upon prenatal development

(cf. 5131.6 - Alcohol and Other Drugs)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; December 9, 2013

**Instruction****Controversial Issues**

The Board of Trustees believes that students may discuss controversial issues which have political, social or economic significance and which the students are mature enough to investigate and address. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions and respect the opinions of others.

The Board expects teachers to exercise caution and discretion when deciding whether or not a particular issue is suitable for study or discussion in any particular class. Teachers should not spend class time on any topic which they feel is not suitable for the class or related to the established course of study.

The Board also expects teachers to ensure that all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and warn them against drawing conclusions from insufficient data. The teacher shall not suppress any student's view on the issue as long as its expression is not malicious or abusive toward others.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 5145.2 - Freedom of Speech/Expression)

## Legal Reference:

## EDUCATION CODE

51550 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51530 Prohibition and definition re advocating or teaching communism with intent to indoctrinate

51550 Sex education courses

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Required to be accurate, objective, current, and suited to needs and comprehension at respective grade levels

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Controversial Issues**

Controversial issues may be discussed in the classroom, provided that:

1. The issue is related to the course of study and provides opportunities for critical thinking, for developing tolerance, and for understanding conflicting points of view.
2. The issue has a meaningful relationship to matters of concern to the students.
3. Available information about the issue is sufficient to allow alternative points of view to be discussed and evaluated on a factual basis.
4. All sides of the issue are given a proper hearing, using established facts as primary evidence.
5. The issue has points of view which can be understood and defined by the students.
6. The teacher does not use his/her position to forward his/her own religious, political, economic or social bias. The teacher may express a personal opinion if he/she identifies it as such and does not express the opinion for the purpose of persuading students to his/her point of view.
7. Discussion or study of the issue is instigated by the students or by the established curriculum, but not by a source outside of the schools.
8. The discussion does not reflect adversely upon persons because of their race, sex, gender, color, creed, national origin, ancestry, handicap or occupation.
9. The oral or written presentation does not violate state or federal law.

The Superintendent or designee shall have the authority to judge whether the above conditions are being met.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;



## **Instruction**

### **Extracurricular Activities**

#### Eligibility to Represent the School

All students elected to student offices, or who represent their schools in extracurricular activities, shall maintain a positive citizenship record. Students who fail to meet this requirement shall be subject to a denial of participation by the principal.

A student who belongs to any school group or organization other than a course for academic credit must meet school eligibility standards. Examples of such groups or organizations include but are not limited to athletic teams, student government, clubs and cheerleaders.

#### Extracurricular Activities – Grades 7 and 8

Extracurricular activities are those programs that have all of the following characteristics:

- a) The program is supervised or financed by the school district.
- b) Students participating in the program represent the school district
- c) Students exercise some degree of freedom in either the selection, planning or control of the program.
- d) The program includes both preparation for performance and performance before an audience or spectators.

Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit and do not take place during classroom time.

#### Sportsmanship

The Board values the quality and integrity of extracurricular activities and the character development of student participants. Student participants, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all extracurricular activities. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship.

Students and staff may be subject to disciplinary action for improper conduct during extracurricular activities.

- (cf. 3515.2 - Disruptions)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5131 - Conduct)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5131.4 - Student Disturbances)

**Instruction**

**Extracurricular Activities (continued)**

(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2- Suspension and Expulsion/Due Process  
(Individuals with Disabilities))

**Academic Eligibility Requirements**

In order to encourage and promote academic excellence, all students participating in extracurricular activities shall demonstrate satisfactory minimum progress in meeting the requirements of graduation by undertaking the prescribed course of study and meeting the standards of proficiency established by the district.

In order to be eligible for participation in extracurricular activities, a student in grades 7 and 8 shall have earned a minimum 2.0 or "C" grade point average during the preceding grading period.

(The grade point average and determination of eligibility shall be based on quarter grades.)  
Seventh grade students may initially participate until their first quarter grades are issued.

**Probationary Period**

Upon the approval of the Superintendent or designee, the principal may grant ineligible students a probation period of not more than one quarter. Probation of less than one quarter may also be authorized. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation.

**Supervision**

Extracurricular activities shall be under the general supervision of school authorities and certificated employees whenever they are conducted under the name of the school district.

**Legal Reference: EDUCATION CODE**

200-262.4 Prohibition of discrimination

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

48850 Interscholastic athletics; students in foster care

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

**PENAL CODE**

245.6 Hazing

**CODE OF REGULATIONS, TITLE 5**

350 Fees not permitted

## **Instruction**

### **Extracurricular Activities (continued)**

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance  
4920-4922 Nondiscrimination in intramural, interscholastic, and club activities  
5531 Supervision of extracurricular activities of pupils  
5590-5596 Employment of non-certificated coaches

#### **UNITED STATES CODE, TITLE 20**

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

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

106.31 Nondiscrimination on the basis of sex in education programs or activities  
106.33 Comparable facilities  
106.41 Nondiscrimination in athletic program

#### **COURT DECISIONS**

Mansourian v. Regents of University of California, (2010) 594 F. 3d 1095  
Kahn v. East Side Union High School District, (2004) 31 Cal. 4th 990t  
McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275  
Hartzell v. Connell, (1984) 35 Cal. 3d 899

#### **UNITED STATES CODE, TITLE 42**

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

#### **Management Resources:**

##### **CSBA PUBLICATIONS**

Student Fees Litigation Update, Education Legal Alliance Advisory, May 20, 2011  
A Guide to Equity in Athletics  
Acute Concussion Evaluation (ACE) Care Plan, 2006

Pursuing Victory with Honor, 1999

##### **CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

Heads Up: Concussion in Youth Sports, Tool Kit, July 2007

#### **WEB SITES**

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

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

California Interscholastic Federation: <http://www.cifstate.org>

Centers for Disease Control and Prevention, Concussion Resources:  
<http://www.cdc.gov/concussion>

National Federation of State High School Associations: <http://www.nfhs.org>

National Operating Committee on Standards for Athletic Equipment: <http://www.nocsae.org>

U.S. Anti-Doping Agency: <http://www.usada.org>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

## **Instruction**

### **Athletic Competition**

The Board shall not approve membership of the district or any school in the district in any voluntary interscholastic athletic organization that discriminates against or denies the benefits of any program to any person on the basis of race, sex or ethnic origin.

Participation in the district interscholastic program shall be made available to those students who meet the district eligibility requirements for participation in extracurricular activities.

Special care shall be taken to ensure that all athletic training and competition is organized and supervised in a manner that will not overtax the physical capabilities of the participants.

All athletic teams shall be supervised by qualified coaching personnel.

#### Legal Reference:

##### EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

17580-17581 Football equipment

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 CDE authority over interscholastic athletics

35160.5 District policies; rules and regulations

35161 Powers and duties generally

35179 Interscholastic athletics

48930-48938 Student organizations

49020-49023 Athletic programs; legislative intent, equal opportunity, apportionment, prohibited sex discrimination

60850-60856 High School Exit Examination

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils

5590-5596 Employment of noncertificated coaches

##### UNITED STATES CODE, TITLE 20

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Student Organizations and Equal Access**

The Board of Trustees believes that student organizations reinforce the instructional program, give students practice in democratic self-government and provide social and recreational activities. Student organizations also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Board Policy and Administrative Regulation.

- (cf. 1321 - Solicitation of Funds from and by Students)
- (cf. 3452 - Student Activity Funds)
- (cf. 6142.3 – Civic Education)
- (cf. 6142.4 – Service Learning/Community Service Classes)

The Superintendent or designee may establish criteria and a process for school sponsorship of student clubs and/or student organizations such as student councils.

In order to maintain a closed forum on school campuses, only student-sponsored and/or student-initiated groups that relate directly to the curriculum (such as Character Education) shall be allowed to meet on school premises.

- (cf. 1330 - Use of School Facilities)
- (cf. 3515.2 - Disruptions)

With the approval of the Superintendent or designee, such clubs or groups shall have access to the school's communication system to announce meetings.

No school shall deny equal access or a fair opportunity to meet with, or discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

#### Legal Reference:

##### EDUCATION CODE

- 52 Designation of secondary schools
- 53 Designation of high schools
- 200-262.3 Prohibition of discrimination on the basis of sex
- 32050-32051 Hazing
- 48930-48938 Student organizations
- 48950 Freedom of speech
- 49020 Athletic programs: Legislative

**Instruction**

**Student Organizations and Equal Access (continued)**

38130-38138 Civic Center Act  
48907 Student exercise of free expression

**PENAL CODE**

627-627.10 Access to school premises  
**CODE OF REGULATIONS, TITLE 5**  
2 Definitions  
5531 Supervision of extracurricular activities of students

**UNITED STATES CODE, TITLE 20**

4071-4074 Equal Access Act  
7904 School prayer  
7905 Boy Scouts equal access

**UNITED STATES CODE, TITLE 36**

20101-240112 Patriotic organizations

**COURT DECISIONS**

Prince v. Jacoby, (2001) 303 F.3d 1074  
Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061  
Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093  
Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878  
Board of Education of Westside Community School District v. Mergens By and Through  
Mergens (1989, 8th Cir.) 867 F.2d 1076  
Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64  
Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776  
F.2d. 431  
Hartzell v. Connell, (1984) 35 Cal. 3d 899

**Management Resources:**

**WEB SITES**

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; January 6, 2014

## **Instruction**

### **Student Organizations and Equal Access**

#### School Sponsorship

School-sponsored student organizations must be organized at the school, have a certificated advisor, be composed completely of current student body members and be approved by the Superintendent or designee in accordance with Governing Board policy. They shall hold the majority of their meetings at school and have a democratic plan for the selection of officers. Organization activities shall not conflict with the authority and responsibilities of school officials.

The Principal or designee shall establish school rules governing the meetings of curriculum-related groups. Such rules may vary depending on the circumstances that apply, such as whether or not citizenship credit is given for participation in the group.

#### Closed Forum

In order to maintain a closed forum at district schools, each Principal or designee shall ensure that all school-sponsored student organizations are curriculum-related. In order to qualify as "curriculum-related," all student groups must relate to the curriculum by falling under one or more of the following categories:

1. The subject matter of the group is currently taught or will soon be taught in a regularly scheduled course.
2. The subject matter of the group concerns the body of courses as a whole (e.g., student government).
3. Participation in the group is required for a particular course.
4. Participation in the group results in academic credit.

Groups not sponsored by the school may use school facilities only as allowed under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

## **Instruction**

### **Student Organizations and Equal Access (continued)**

The Superintendent or designee may deny the use of facilities to any groups that he/she believes will disrupt the school program or threaten the health and safety of students and staff. (20 USC 4071)

Meetings held within the limited open forum shall entail no expenditure of public funds beyond the incidental cost of providing the meeting space. (20 USC 4071(d))

#### Authorization for Student Groups

Any student wishing to create a curriculum-related student group shall first request authorization from the principal or designee. The group shall provide the principal or designee with the following information:

1. Name of the organization and names of student contacts
2. A statement of the organization's purposes, objectives, and activities
3. A copy of the proposed bylaws of the student group, including a description of how officers will be selected
4. The name of the proposed staff advisor
5. The proposed dates, times, and location of meetings
6. Any special equipment to be used
7. A description of the qualifications for membership, if any
8. A statement of the relation of the club to the curriculum and/or instructional program

The Principal or designee may establish school rules governing the meetings of curriculum-related groups, such as attendance or grade requirements. Such rules may vary depending on the group, such as whether or not academic credit is given for participation in the group.

#### Role of Staff Adviser

For any curriculum-related student group, the staff adviser shall provide guidance and teaching to students to ensure that the group's activities are aligned to the District's goals and objectives and shall provide supervision and leadership of the group. The Principal shall have final authority in determining the assignment and role of the staff adviser.



## **Instruction**

### **Student Organizations and Equal Access**

A school employee may refuse to attend a meeting of a student group if the content of the speech at the meeting is contrary to the employee's beliefs. (20 USC 4071)

### **Hazing**

Any student who engages in hazing may be subject to discipline including, but not limited to, suspension or expulsion. Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by the District, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. (Education Code 48900)

(cf. 5131 - Conduct)

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; January 6, 2014

## **Instruction**

### **Assemblies and Special Events**

The Board of Trustees believes that assemblies and special events should promote a positive school climate and be related to the District's educational program. Showcasing student achievement in academics, athletics, music, art, drama or other such activities can provide many students with self-esteem and an incentive to be in school.

- (cf. 5137 - Positive School Climate)
- (cf. 6000 - Concepts and Roles)
- (cf. 6115 - Ceremonies and Observances)
- (cf. 6142.6 - Visual and Performing Arts Education)
- (cf. 6143 - Courses of Study)

The Principal or designee shall ensure that the speakers and community resources featured in school assemblies and special events are carefully selected and balanced. Prospective speakers shall agree that they will present material of educational relevance that is appropriate to the maturity of the audience, with no statements that are obscene, vulgar or that incite violence. Assemblies may express seasonal themes and/or holiday themes that are of a historical significance.

- (cf. 5145.2 - Freedom of Speech/Expression)
- (cf. 6141.2 - Recognition of Religious Beliefs and Customs)
- (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
- (cf. 6144 - Controversial Issues)

The Principal or designee shall schedule assemblies and special events so as to minimize disruptions and meet the requirements of law and negotiated agreements. The Principal or designee may limit the number of such events whenever they encroach upon the instructional program.

- (cf. 6111 - School Calendar)
- (cf. 6112 - School Day)

During the assembly, students shall show respect to all performers and speakers. Students who disrupt the program shall lose the privilege of attending the assembly and may be subject to disciplinary action.

- (cf. 5131.4 - Student Disturbances)
- (cf. 5131 - Conduct)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)

**Instruction**

**Assemblies and Special Events**

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37220-37223 Holidays

46010 Total days of attendance

46100 Length of school day

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; January 6, 2014

**Instruction**

**Elementary/Middle School Graduation Requirements**

In order to recognize successful completion of elementary and intermediate school education, the Governing Board shall confer diplomas of graduation from the Rancho-Starbuck Intermediate School.

(cf. 5127 - Graduation Ceremonies and Activities)

Diplomas shall be awarded only to students who have completed the course of study prescribed by law and the district. (Education Code 51402)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

In addition, students shall meet district requirements for promotion based on grades, assessments or other indicators as specified in Board policy and administrative regulation.

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

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

48070-48070.5 Promotion and retention

51400-51403 Elementary school diplomas

52507-52510 Requirements for eighth grade graduation (adult school)

60641-60647 Standardized Testing and Reporting Program

60648 Minimum performance levels

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Class Size**

In accordance with negotiated employee agreements and state law, and upon the recommendation of the Superintendent or designee, the Board of Trustees may establish class size limits appropriate for the subject or grade level taught and conducive to the effective use of teaching staff.

(cf. 4141/4241 - Collective Bargaining Agreement)

In establishing class size reduction programs for designated grade levels and courses, the Superintendent or designee shall determine the potential impact of class size reduction on staffing and school facilities needs and shall recommend ways to address these needs without negatively affecting other grade levels and district programs.

(cf. 1431 - Waivers)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

### **Class Size Reduction in Grades K-3**

The Board believes that small class size is beneficial to students in the elementary grades as they acquire the basic skills that serve as the foundation for their subsequent learning. The Superintendent or designee shall ensure that classes in designated elementary grades are reduced to 20 or fewer students per teacher.

Full-time mainstreamed special education students shall be included in determining class size for purposes of the class size reduction program.

(cf. 6159 - Individualized Education Program)

(cf. 4131 - Staff Development)

### **Early-Late Programs in Grades K-8**

As a means of providing more individualized instruction, the Board encourages the use of early-late programs funded pursuant to Education Code 46205.

**Instruction**

**Class Size (continued)**

Legal Reference:

EDUCATION CODE

17042 Rules for determining area of adequate school construction; exceptions

17042.7 Formula for calculation

33050 Nonwaivable provisions

35160 Authority of the board

41375 Legislative intent encouraging reduction in class size

41376 Minimum class size standards

41378 Apportionments and allowances, kindergarten classes

42280 Necessary small schools

46205 Computation for early-late programs

51225.3 Graduation requirements

52120-52128 Class Size Reduction Program

52080-52090 Morgan-Hart Class Size Reduction Act of 1989

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

15103 Definitions

15130-15133 Class size reduction program K-3

15140-15141 Class size reduction in two courses in grade 9

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Class Size**

Class size is subject to the provisions of the Certificated Collective Bargaining Agreement.

- A. The allocation ratio of teachers to regular program pupils in the district shall not exceed one (1) to twenty-nine (29).
- B. The district shall maintain an equitable distribution of pupils to teachers.
- C. The allocation ratio of special education teachers to special education programs shall not exceed State maximum limitations.
- D. Teachers shall be allocated based on estimated enrollments, and, when actual enrollment is known, the District shall adjust the number of teachers assigned to conform with A, B and C above.

### **Class Size Reduction in Grades K-3**

When establishing a program to reduce class size in the primary grades, the program shall be implemented at each school according to the following priorities: (Education Code 52124)

- 1. If only one grade level is reduced at a school, the grade level shall be grade 1.
- 2. If only two grade levels are reduced at a school, the grade levels shall be grades 1 and 2.
- 3. If three grade levels are reduced at a school, then those grade levels shall be kindergarten and grades 1 and 2 or grades 1 through 3. Priority shall be given to the reduction of class sizes in grades 1 and 2 before class sizes of kindergarten or grade 3 are reduced.
- 4. If four grade levels are reduced at a school, then those grade levels shall be kindergarten through grade 3. First priority shall be given to the reduction of class sizes in grade 1 and 2; second priority shall be given to the reduction of class size in kindergarten and grade 3.

In all classes that receive funding through the state's class size reduction program for half-day programs, instruction during the reduced class size portion of the school day shall be primarily devoted to reading and mathematics. (Education Code 52122)

## **Instruction**

### **Class Assignment**

The Board of Trustees believes students should be assigned to classes and/or grouped in a manner that provides the most effective learning environment for all students.

When assigning students to specific classrooms, the Superintendent or designee shall strive to provide the best possible learning environment for each student. The Principal or designee may consider the following criteria:

1. Staff recommendation, including, but not limited to, the recommendations of teachers and counselors
2. Student/teacher ratios and, if relevant, class size reduction considerations
3. Academic balance of high, medium and low achievers
4. Student skill level as indicated by achievement and testing data (cf. 5121 – Grades/Evaluation of Student Achievement)
5. Skills and classroom management style of individual teachers
6. Student interests, readiness, behavior and motivation

The Principal or designee may accept from parents/guardians any information which would be helpful in making placement decisions. However, parents/guardians who provide such information shall be informed that requests for a specific teacher shall be used as only one of many determining factors which must be taken into account. The Principal of the school shall be responsible for the classroom placements of students.

During the school year, the Principal or designee may make any adjustments in class placement which he/she considers beneficial to the student or the educational program.

#### Legal Reference:

EDUCATION

CODE

35020 Duties of employees fixed by governing board

35160 Authority of the board

#### Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Elementary Makes the Grade!, 2000



**Instruction**

**Class Assignment (continued)**

**WEB SITES**

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

National Association for the Education of Young Children: <http://www.naeyc.org>

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; January 6, 2014

## **Instruction**

### **School-Sponsored Trips**

The Board of Trustees recognizes that school-sponsored trips are important components of a student's development. Besides supplementing and enriching classroom learning experiences, such trips encourage new interests among students, make them more aware of community resources, and help them relate their school experiences to the outside world. The Board believes that careful planning can greatly enhance the value and safety of such trips.

If the Board allocates funds for school-sponsored trips, individual schools may be provided with budgetary allocations so that they can plan ahead. Special trip expense funds may be established when necessary for fund-raising purposes.

(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 6145 - Extracurricular and Co-curricular Activities)

Principals shall ensure that teachers develop plans which provide for the safety of students and their proper supervision by certificated staff on all school-sponsored trips. Other school employees and parents/guardians also may participate in this supervision and may be asked to attend preparatory training sessions and/or meetings.

The ratio of adults to students on school-sponsored trips shall be determined by the principal. If the trip involves water activities, this ratio shall ensure closer supervision of elementary grade students, appropriate to their ages.

(cf. 3541.1 - Transportation for School-Related Trips)  
(cf. 5143 - Insurance)

### **Study Trips**

In advance of a study trip, teachers shall determine educational objectives which relate directly to the curriculum. Principals shall ensure that teachers develop plans which provide for the best use of students' learning time while on the trip. Teachers also shall provide appropriate instruction before and after the trip.

#### **Legal Reference:**

##### **EDUCATION CODE**

8760 Authorization of outdoor science and conservation programs

32040 Duty to equip school with first aid kit

32041 Field trips

32043 Snakebite kits on field trips

32044 Violations

35330 Excursions and field trips

**Instruction**

**School-Sponsored Trips (continued)**

Legal Reference: (continued)

35331 Provision for medical or hospital service for pupils (on field trips)

35332 Chartered airline transportation

35350 Transportation of students

44808 Liability when pupils not on school property

48908 Duties of pupils; authority of teachers

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Homework/Makeup Work**

The Board of Trustees recognizes that homework contributes toward building responsibility, self-discipline and life-long learning habits, and that time spent on homework directly influences students' ability to meet the district's academic standards. The Board expects students, parents/guardians and staff to view homework as a routine and important part of students' daily lives.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall ensure that administrators and teachers develop and implement an effective homework plan at each school site. As needed, teachers may receive training in designing relevant, challenging and meaningful homework assignments that reinforce classroom learning objectives. Teachers' expectations related to homework may be addressed in their evaluations.

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

Although it is the student's responsibility to do most homework assignments independently, the Board expects teachers at all grade levels to use parents/guardians as a contributing resource. When students repeatedly fail to do their homework, parents/guardians shall be notified and asked to contact the teacher.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

### **Makeup Work**

Students who miss school work because of an excused absence shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time. (Education Code 48205)

(cf. 5113 - Absences and Excuses)

Students who miss school work because of unexcused absences may be given the opportunity to make up missed work. Teachers may assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

**Instruction**

**Homework/Makeup Work (continued)**

(cf. 6182 - Opportunity School/Class/Program)

Legal Reference:

EDUCATION CODE

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

48980 Parental notifications

58700-58702 Tutoring and homework assistance program; summer school apportionment credit

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; January 12, 2009

**Instruction****Homework/Makeup Work**

## Homework: General

## A. Purpose of Homework

Homework has educational value because it enhances skill development, strengthens concepts and helps to develop self-direction, independence and personal responsibility.

## B. Amount of Homework Assignments

The following are recommended amounts of time that should be devoted to homework by the average student. This time should be inclusive of specific daily assignments, special activities and long-range projects.

- |    |                                   |                                  |
|----|-----------------------------------|----------------------------------|
| 1. | Kindergarten                      | Average of 1 – 2 hours per week  |
| 2. | Primary Elementary grades (1 – 3) | Average of 3 to 4 hours per week |
| 3. | Upper Elementary grades (4 – 6)   | Average of 4 to 6 hours per week |
| 4. | Intermediate grades (7 – 8)       | Average of 7 to 8 hours per week |

## C. Principles to be Observed

1. The Behavior and Citizenship section of the report card will show a grade indicating how well the student has completed assigned homework, and the quality of student performance on homework assignments will affect both the achievement and the effort grades for specific subject areas.
2. Long-term homework projects covering several weeks should be assigned with sufficient advance notice to allow for completion without undue pressure on pupils.
3. Parents should be informed of the student's performance on homework so that they can carry out their responsibility for supporting their child's educational program.

## Objectives of Homework

The following are desirable objectives of homework:

## A. Development of independent study habits involving:

**Instruction**

**Homework/Makeup Work (continued)**

1. effective use of time;
  2. completion of assigned tasks;
  3. development of proficiency in the use of sources of information to solve a problem or develop a theme or project.
- B. Development of work habits involving:
1. having a specific place to study;
  2. reserving specific times for study.

Principles to be Observed

Following are principles to be observed when homework is assigned by the teacher:

- A. Directions should be given very carefully so that each child knows specifically what he is to do.
- B. Skills necessary for a homework assignment should be taught and understood by each child before the assignment is given.
- C. Every homework assignment should be evaluated as soon as possible by the teacher and the child informed of the evaluation.
- D. Care should be taken to make homework assignments worthwhile learning activities and at the appropriate level of difficulty.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; January 12, 2009

**Instruction****Independent Study**

The Board of Trustees authorizes independent study as an optional alternative instructional strategy by which students in grades TK-8 may reach curriculum objectives. Independent study offers a means of individualizing the educational plan for students whose needs may be met best through study outside of the regular classroom setting.

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in person instruction. (Education Code 51747)

The Superintendent or designee shall determine that the prospective independent study student understands and is prepared to meet the district's requirements for independent study. Independent study entails a commitment by both the parent/guardian and the student. As the student gets older, he/she assumes a greater portion of the responsibility involved. Independent study may be offered only to students who can achieve in this program as well as or better than they would in the regular classroom.

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall obtain a signed written agreement for long-term independent study (the Virtual Academy) before the commencement of the first day of instruction of independent study. For a student who is scheduled for fewer than 15 days, the agreement shall be signed within 10 school days of the commencement of the first day of the Independent Study. A written agreement shall be developed and implemented for each student participating in independent study for five or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703) The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement. The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work



The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course. A student's participation in independent study shall be voluntary. (Education Code 51747, 51749.5) The minimum period of time for any independent study option shall be five consecutive school days.

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for students who are not: generating attendance for more than 10 percent of the instructional time over four consecutive weeks, participating in the required synchronous instruction offered more than 50 percent of the time, or who are in violation of their written agreement. For pupils in TK – 3, inclusive, daily synchronous instruction for all pupils throughout the school year is required. For pupils in grades 4 to 8, inclusive for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year is required.

This requirement only applies to students participating in long-term independent study (the Virtual Academy) for 15 school days or more. The procedures may include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

An evaluation may be conducted to determine whether it is in a student's best interest to remain in long-term independent study (the Virtual Academy) whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

## **Instruction**

### **Independent Study (continued)**

#### Home Schooling Through Independent Study

The Superintendent or designee encourages parents/guardians desiring to teach their children at home to enroll their children in independent study. Such enrollment allows continued contact and cooperation between the school system and home-based student.

#### Legal Reference:

##### EDUCATION CODE

17289 Exemption for building

44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment

46300-46300.6 Methods of computing ADA

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48917 Suspension of expulsion order

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

52000 Improvement of elementary and secondary education: legislative intent

52015 School improvement plans: components of plan

52017 Secondary schools: additional plan components

56026 Individual with exceptional needs

##### FAMILY CODE

6550 Authorization affidavits

##### CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

Policy Adopted: March 23, 1987

Policy Revised: January 10, 2005; September 26, 2005; February 27, 2006;

August 9, 2021, October 2, 2022, June 12, 2023

## **Instruction**

### **Independent Study**

#### Definitions

*Live interaction* means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

*Student-parent-educator conference* means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

*Synchronous instruction* means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

The district shall not provide independent study students and their parents/ guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

#### Educational Opportunities

The district shall offer both long-term independent study (Virtual Academy) and short-term independent study (less than 15 days) to meet the educational needs of students as specified in Education Code 51745 (Education Code 51745)

Educational opportunities offered through independent study may include, but are not limited to:

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
4. Continuing and special study during travel
5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
6. Individualized study for a student whose health, would be put at risk by in-person instruction

## **Instruction**

### **Independent Study**

#### Eligibility for Independent Study

Students are eligible for independent study (including long-term independent study through the Virtual Academy) as authorized in law, and as specified in board policy and administrative regulation.

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

No student shall be required to participate in independent study. (Education Code 51747)

Students enrolling in independent study must be residents of the local county or an adjacent county. (Education Code 51747.3) The Virtual Academy for long-term independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

No individual with disabilities, as defined in Education Code 56026, may participate in independent study unless his/her Individualized Education Program specifically provides for such participation. (Education Code 51745)

(cf. 6159 - Individualized Education Program)

No temporarily disabled student may receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

(cf. 6183 - Home and Hospital Instruction)

## **Instruction**

### **Independent Study**

#### Criteria for Participation

Parents who are interested in short-term independent study for their students should contact their school principal. For long-term independent study (the Virtual Academy), parents should contact the district office. Approval for participation shall be based on the following criteria:

1. Evidence that the student will work independently to complete the program.
2. Availability of experienced certificated staff with adequate time to supervise the student effectively.

#### Written Agreements and Assignments

The written independent study agreement for each participating student should include, but not be limited to, all of the following: (Education Code 51747)

1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress.
2. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
3. The specific resources, including materials and personnel, that will be made available to the student.
4. The district's independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study.
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement.
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.
7. A statement that independent study is an optional educational alternative in which no student may be required to participate. In the case of a student who is referred or assigned to any school, class or program pursuant to Education Code 48915 or 48917, the agreement shall also include the statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.

## **Instruction**

### **Independent Study**

The curriculum and methods of study specified in the written agreement shall be consistent with the Governing Board's policies, administrative regulations and procedures for curriculum and instruction. (5 CCR 11702)

(cf. 6143 - Courses of Study)

The agreement also may include a schedule for achieving objectives and completing the agreement and a schedule of conferences between the student and supervising teacher.

Before beginning the independent study, each written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student under 18 years of age, the certificated employee designated as responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747)

The agreement shall state that the parent/guardian's signature confers his/her permission for the student's independent study as specified in the agreement.

### **Student Rights and Responsibilities**

Students participating in long-term independent study (the Virtual Academy) shall have the right to enter or return to the regular classroom mode of instruction.

Independent study students who are late, miss scheduled conferences or do not submit assigned work on time shall not be reported as tardy or truant. However, the independent study administrator shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian, as appropriate.
2. A special meeting between the student and the teacher and/or counselor.
3. A meeting between the student and the administrator, including the parent/guardian if appropriate.
4. An increase in the amount of time the student works under direct supervision.

When the student has missed the number of assignments specified in Board policy as precipitating an evaluation (three assignments), the Superintendent or designee may conduct an evaluation which may result in termination of the independent study agreement, with the student's return to a regular classroom or alternative instructional program.

## **Instruction**

### **Independent Study**

(cf. 1312 - Complaints Concerning the Schools)  
(cf. 1312.1 - Complaints Concerning District Employees)

#### Administration of Independent Study

Each student's independent study shall be coordinated, evaluated and carried out under the general supervision of a certificated employee. (Education Code 51747.5)

#### **Responsibilities of Independent Study Administrator**

The responsibilities of the Independent Study Administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

#### **Assignment and Responsibilities of Independent Study Teachers**

Each student's Independent Study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

#### Supervising Teachers

The Superintendent or designee shall approve the assignment of any teachers who directly supervise long-term independent study (the Virtual Academy) on a regular basis. The principal may recommend teachers or students for short-term independent study. The teacher may be the student's regular classroom teacher for periods less than 15 days.



## **Instruction**

### **Independent Study**

Independent study teachers shall:

1. Complete designated portions of the written agreement and add additional information to the written agreement when appropriate.
2. Supervise and approve coursework, including regularly meeting with the student to discuss the student's progress.
3. Design all lesson plans and assignments and provide direct instruction. Maintain records of student assignments showing the date the assignment is given and the date the assignment is due.
4. Assess all student work and assigning grades or other approved measures of achievement.
5. Personally judge the time value of assigned work or work products completed and submitted by the student.
6. Select and save with each agreement representative samples of the student's completed and evaluated assignments on a weekly basis.
7. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated.
8. Maintain any required records and files on a current basis including attendance
9. Determine and assign grades or other approved measures of achievement.
10. Document each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided.
  - For pupils in transitional Kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.
  - For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

**Instruction**

**Independent Study**

Records

District records shall identify all students participating in independent study and shall specify the grade level, program placement and school in which each of these students is enrolled. (Education Code 51748)



**Lowell Joint  
School District**

*A Tradition of Excellence Since 1906*

*"Home of Scholars and Champions"*



BP 6159

## **Instruction**

### **Individualized Education Program**

The Board of Trustees desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free, appropriate public education and be placed in the least restrictive environment that meets their needs to the extent provided by law.

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program team (IEP), the contents of the IEP, and the development, review, and revision of the IEP.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 8, 2020



**Lowell Joint  
School District**

*A Tradition of Excellence Since 1906*

*"Home of Scholars and Champions"*



**AR 6159**

## **Instruction**

### **Individualized Education Program**

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement designed by the IEP team to meet the unique educational needs of a student with a disability.

#### Members of the IEP Team

The IEP team for any student with a disability shall include at least the following members:

1. One or both of the student's parents/guardians, and/or a representative selected by them.
2. If the student is or may be participating in the general education program, at least one general education teacher designated by the Superintendent or designee to represent the student's teachers. If more than one regular education teacher is providing instructional services to the student, the district may designate one such teacher to represent the others.

The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320.

3. At least one special education teacher or, where appropriate, the special education provider(s) for the student.
4. A representative of the district who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities.
  - b. Knowledgeable about the general curriculum.
  - c. Knowledgeable about the availability of district and/or Special Education Local Plan Area (SELPA) resources.

5. An individual who can interpret the instructional implications of assessment results. This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate.

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with a disability.

In the development, review, or revision of his/her IEP, the student shall be allowed to provide confidential input to any representative of his/her IEP team.

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech-language pathologist, or remedial reading teacher.

At least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in his/her learning environment, including in the general education classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings.
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist him/her in reaching the goals as stated in Education Code 56345(a)(8), the following individuals shall be invited to attend:
  - a. The student, regardless of his/her age

If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for the transition services

3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator (Early Start/Part C) or other representatives of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services.
9. In addition, any of the following may participate, as appropriate:
  - a. The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP
  - b. Any other person whose competence is needed because of the nature and extent of the student's disability

A member of the IEP team shall not be required to attend an IEP meeting, in whole or in part if the parent/guardian consents in writing and the district agrees that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the member's area of the curriculum or related services, the IEP team member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting.

#### Contents of the IEP

It shall include, but not be limited to, all of the following:

1. A statement of the present levels of the student's academic achievement, and functional performance, including:
  - a. The manner in which the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students).
  - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities.
  - c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks, or short-term objectives.

2. A statement of measurable annual goals, including academic and functional goals, as well as benchmarks or short-term objectives designed to:
  - a. Meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum.
  - b. Meet each of the student's other educational needs that result from his/her disability.
3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards.
4. A statement of the specific special education instruction and related services and supplementary aids and services, based on peer-reviewed research if practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
  - a. Advance appropriately toward attaining the annual goals.
  - b. Be involved and progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities.
  - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP.
5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class and in the extracurricular and other nonacademic activities described in the IEP
6. A statement of any appropriate individual accommodations/modifications necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments  
  
If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment, the IEP shall also include a statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular assessment selected is appropriate for him/her.
7. The projected date for the beginning of the services and accommodations/modifications described in item # 4 above and the anticipated frequency, location, and duration of those services and accommodations/modifications.

8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter the following:
  - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.
  - b. The transition services, including courses of study, needed to assist the student in reaching those goals.

Where appropriate, the IEP shall also include:

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation.
2. Linguistically appropriate goals, objectives, programs, and services for students whose primary language is not English.
3. Extended school year services when needed, as determined by the IEP team.
4. Provision for the transition into the general education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a general education program in a public school for any part of the school day, including descriptions of activities intended to:
  - a. Integrate the student into the general education program, including indications of the nature of each activity and the time spent on the activity each day or week.
  - b. Support the transition of the student from the special education program into the general education program.
5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code 56136

#### Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted.

Any IEP required as a result of an assessment of the student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene.



However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, shall be developed within 30 days after the commencement of the subsequent regular school year.

In developing the IEP, the IEP team shall consider the following:

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial assessment or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes his/her learning or that of others the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an evaluation of the student's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media.

8. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and the full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, including the following:

9. Whether the student requires assistive technology devices and services

If in considering the special factors in items #1- 9 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order to receive a free and appropriate public education (FAPE), the IEP team must include a statement to that effect in the student's IEP.

**Provision of Special Education and Related Services**

The district shall ensure that, as soon as possible, following the development of the IEP, special education services, and related services are made available to the student in accordance with his/her IEP.

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

**Review and Revision of the IEP**

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually in order to:

1. Determine whether the annual goals for the student are being achieved.
2. Revise the IEP, as appropriate to address:
  - a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate
  - b. The results of any reassessment conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305(a)(2) and Education Code 56381(b)
  - d. The student's anticipated needs
  - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP," when reviewing the IEP of any student with a disability to whom one of those factors may apply.

The IEP Team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP.

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall

notify the parent/guardian of the need for a written request and the procedure for filing such a request.

A general education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction and/or related services, the Superintendent or designee shall convene an IEP meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency, other than the district, fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service needs for the student set out in the IEP.

If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs.

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student.

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments.

#### Audio Recording of IEP Team Meetings

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audiotape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meetings shall not be audio recorded.

Parents/guardians also have the right to:

1. Inspect and review the audiotapes
2. Request that the audiotapes be amended if they believe they contain information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights.
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

#### Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed on time and place.

The Superintendent or designee shall send parents/guardians notices of IEP team that:

1. Indicate the purpose, time and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
  - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)
  - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddler with Disabilities Coordinator at the initial IEP meeting, if the child Early Education for Individuals with Exceptional Needs or the California Early Intervention Services Act.

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parent/guardian shall include the following:

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student.
2. An indication that the student is invited to the IEP meeting
3. Identification of any other agency that will be invited to send a representative

At each IEP meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321.

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting his/her child, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days.

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning.

If neither parent/guardian can attend the meeting, the Superintendent nor designee shall use other methods to ensure parent/guardian participation, including video conference, individual or conference telephone calls.

An IEP team meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that he/she should attend. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including:

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any response received.
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English.

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of his/her child's IEP at no cost.

**Parent/Guardian Consent for Provision of Special Education and Services**

Before providing special education and related services to any student, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian pursuant to 20 USC 1414(a)(1). The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if the parent/guardian refuses to consent to the initiation of services. If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student.

If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise.

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

**Transfer Students**

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including his/her IEP and the supporting documents related to the provision of special education services.

If the student transfers into the district from another school district within the same SELPA during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless his/her parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law.

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, the Superintendent or designee shall, in consultation with the student's parents/guardians, adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law.

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate.

**Instruction**

**Procedural Safeguards and Complaints for Special Education**

Procedural Safeguards/Due Process Hearings

In order to protect the rights of students with disabilities and their parents/guardians, the district shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate public education to the child.

(cf. 5145.6 - Parental Notifications)  
(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall provide the Governing Board with the results of these hearings.

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

56000 Education for individuals with exceptional needs

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56381 Identification and referral, assessment, instructional planning, implementation, and review

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56507 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education

4600-4671 Uniform complaint procedures



**Instruction**

**Procedural Safeguards and Complaints for Special Education (continued)**

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400 - 1491 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10 - 99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.500 - 300.517 Due process procedures for parents and children

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Procedural Safeguards and Complaints for Special Education**

#### **Informal Process/Pre-Hearing Mediation Conference**

Before requesting a due process hearing, the Superintendent or designee and a parent/guardian may agree to meet informally to resolve any issue(s) relating to the identification, assessment or education and placement of the student. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. Based on the mediation conference, the Superintendent or designee may resolve the issue(s) in a manner that is consistent with state and federal law and is to the satisfaction of both parties. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing as described below.

#### **Due Process Hearing Procedures**

A parent/guardian, the district, and/or a student who is emancipated or a ward or dependent of the court may initiate due process hearing procedures whenever: (Education Code 56501)

1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
3. The parent/guardian refuses to consent to an assessment of his/her child.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.403(b).

**Instruction****Procedural Safeguards and Complaints for Special Education (continued)**

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint notice, which shall remain confidential, specifying: (20 USC 1415(b); 34 CFR 300.507)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student
3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the parents/guardians at the time

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint notice, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint specifying: (20 USC 1415(c)(1):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the individualized education program (IEP) team considered and the reasons that those options were rejected

(cf. 6159 – Individualized Education Program)

3. A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt, send a response specifically addressing the issues in the complaint. (20 USC 1415(c)(1)

## **Instruction**

### **Procedural Safeguards and Complaints for Special Education (continued)**

Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted agency and give a copy of the request, at the same time, to the other party. (Education Code 56502)

#### **Prior Written Notice**

The Superintendent or designee shall send to parents/guardians of a student with a disability a prior written notice within a reasonable time before: (Education Code 56500.4, 56500.5; 20 USC 1415(c); 34 CFR 300.503)

1. The district initially refers the student for assessment
2. The district proposes to initiate or change the student's identification, evaluation, educational placement or the provision of a free, appropriate public education
3. The district refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free and appropriate public education
4. The student graduates from high school with a regular diploma

This notice shall include: (20 USC 1415(c); 34 CFR 300.503)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of any other options that the district considered and why those options were rejected
4. A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action
5. A description of any other factors relevant to the district's proposal or refusal
6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained

**Instruction**

**Procedural Safeguards and Complaints for Special Education (continued)**

7. Sources for parents/guardians to obtain assistance in understanding these provisions

(cf. 5145.6 – Parental Notifications)

Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. The notice shall include, but not be limited to, those rights prescribed by Education Code 56341, 56506; 34 CFR 300.503)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication
2. The parent/guardian understands the contents of the notice
3. There is written evidence that items #1 and #2 have been satisfied

**Procedural Safeguards Notice**

A procedural safeguards notice shall be made available to parents/guardians of students with a disability upon: (Education Code 56301; 20 USC 1415(d))

1. Initial referral for evaluation
2. Each notification of an IEP meeting
3. Reevaluation of the student
4. Registration of a complaint
5. Filing for a prehearing mediation conference or a due process hearing

This notice shall include information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance

**Instruction**

**Procedural Safeguards and Complaints for Special Education (continued)**

with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

In addition, this notice shall include a full explanation of the procedural safeguards relating to independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints to initiate due process hearings; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation, due process hearings; state level appeals; civil action; attorney's fees and the state's complaint procedure. (20 USC 1415(d)(2); 34 CFR 300.504)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;



**Lowell Joint  
School District**

*A Tradition of Excellence Since 1906*



*"Home of Scholars and Champions"*

**BP 6159.2**

## **Instruction**

### **Nonpublic, Nonsectarian School and Agency Services for Special Education**

The Board of Trustees recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education in accordance with the law. When the district is unable to provide direct, special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency to meet the students' needs.

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities in accordance with Education Code 56366. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any nonpublic, nonsectarian school with which the district has a contract to ensure that the school or agency's certification has not expired.

No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with the law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP.

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

In accordance with Education Code 56366.2, the Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**AR 6159.2**

## **Instruction**

Nonpublic, Nonsectarian School and Agency Services for Special Education

## **Master Contract**

Every master contract with a nonpublic, nonsectarian school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student.

Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including student-teacher ratios, as well as transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include procedures for recordkeeping and documentation, and the maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school.

The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress.

With the mutual agreement of the district and a nonpublic, nonsectarian school or agency, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in his/her individual services agreement.

## **Placement and Services**

The Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP.



**Placement and Services (continued)**

The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in a nonpublic, nonsectarian school or agency.

**Out-of-State Placements**

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California.

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California.

If the district decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**BP 6159.3**

## **Instruction**

### **Appointment of Surrogate Parent for Special Education Students**

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities as necessary in accordance with the law. He/she shall develop procedures for recruiting, training, and assigning adults to serve as surrogate parents.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**AR 6159.3**

## **Instruction**

### **Appointment of Surrogate Parent for Special Education Students**

The Superintendent or designee shall appoint a surrogate parent to represent a student with disabilities under one or more of the following circumstances:

1. No parent/guardian for the student can be identified.
2. The district, after reasonable efforts, cannot discover the location of a parent or legal guardian of the student.
3. The student is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602, and all of the following conditions are satisfied:
  - a. The court has referred the student for special education and related services, or the student has a valid individualized education program (IEP)
  - b. The court has specifically limited the right of the parent/guardian to make educational decisions for his/her student
  - c. The student has no responsible adult to represent him or her per pursuant to Welfare and Institutions Code 361 or 726 or Education Code 56055
  - d. The student is an unaccompanied homeless youth not in the custody of a parent/guardian, as defined in 42 USC 11434a
4. The student has reached the age of majority but has been declared incompetent by a court of law

### **Appointment of Surrogate Parents**

Upon a determination that a student needs a surrogate parent, the Superintendent or designee shall make reasonable efforts to ensure that the surrogate is appointed within 30 days.

When appointing a surrogate parent, the Superintendent or designee shall give first preference to a relative caretaker, foster parent, or court-appointed special advocate provided any of these individuals exists and is willing to serve. If none of these individuals is willing and/or able to act as a surrogate parent, the Superintendent or designee shall select the surrogate parent of his/her choice. If the student is moved from the home of the relative caretaker or foster parent who was appointed as the student's surrogate parent, the Superintendent or designee shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the student.

**Instruction (continued)**

The Superintendent or designee shall appoint another surrogate parent if a new appointment is necessary to ensure adequate representation of the student.

Surrogate parents shall have no vested interests that conflict with the student's educational interests and shall have knowledge and skills that ensure adequate representation of the student. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent.

**Duties of Surrogate Parent**

The surrogate parent shall have all the rights relative to the student's education that a parent has under the Individuals with Disabilities Education Act. The surrogate parent may represent the student in all matters relating to the identification, assessment, instructional planning and development, educational placement, review, and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education.

In addition, the representation of the surrogate parent shall include the provision of written consent to the IEP, including nonemergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to Government Code 7570-7588. The surrogate parent may sign any consent relating to IEP purposes.

Surrogate parents shall volunteer their services to the district and serve without compensation. The district may reimburse them for mileage and other incidental expenses directly associated with their duties as surrogate parents.

Surrogate parents shall have access to the student's school records as necessary to fulfill their responsibilities as surrogate parents and in accordance with Board policy and administrative regulation.

**Termination of Appointment**

The Superintendent or designee shall terminate the appointment of a surrogate parent under the following conditions:

1. When the student is no longer in need of special education.
2. When the student reaches 18 years of age, unless he/she chooses not to make education decisions for himself/herself or is deemed by a court to be incompetent.
3. Another responsible adult is appointed to make educational decisions for the student.
4. The right of the parent/guardian to make educational decisions for the student is fully restored.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**AR 6159.4**

## **Instruction**

### **Behavioral Interventions for Special Education Students**

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of his/her disability.

However, when the behavior of a student with a disability impedes his/her learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior.

If pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of his/her disability; the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior.

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur.

### **Functional Behavioral Assessment**

Any FBA to be conducted for a student with a disability shall focus on identifying the function or purpose of the student's behavior.

Before any FBA is conducted, the Superintendent or designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent.

If the parent/guardian disagrees with the result of an FBA, he/she has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

**Instruction (continued)**

**Behavioral Intervention Plan and Services**

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner.

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3051.23.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation.

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in non-educational settings.

At intervals scheduled by the IEP team, the parent/guardian and others as appropriate shall evaluate the effectiveness of the behavioral intervention plan in accordance with the law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team.

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan.

The parent/guardian and the Superintendent or designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures.

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team.

**Instruction (continued)**  
**Emergency Interventions**

Emergency interventions may be used only to control unpredictable, spontaneous behavior, which poses a clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans (BIP) that is designed to change, replace, modify, or eliminate a targeted behavior.

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires prolonged use of emergency intervention, staff shall seek the assistance of the principal or law enforcement agency, as applicable to the situation.

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, the use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law.

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used, or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information:

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan (BIP)
6. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan (BIP), the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional behavioral assessment (FBA), and determine the necessity for an interim behavioral intervention plan

**Instruction (continued)**

(BIP). The IEP team shall document the reasons for not conducting the FBA and/or not developing an interim plan.

If the behavior emergency report is for a student who has a behavioral intervention plan (BIP), any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified.

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following:

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock
2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma
5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 8, 2020



## **Instruction**

### **Equipment, Books and Materials**

The Board of Trustees recognizes that student learning is enhanced when students have access to high-quality textbooks, equipment and other instructional materials for each of the subjects they are studying. To adequately support the Board-approved curriculum, instructional materials also should be up to date.

The Superintendent or designee shall develop procedures for determining the sufficiency of district instructional materials in providing accurate, current information and ensuring that students have access to standards-based materials. When new instructional materials have been chosen in accordance with the district's selection and evaluation policy, the Board shall make final decisions regarding their purchase.

(cf. 0440 - District Technology Plan)  
(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6163.1 - Library Media Centers)

#### Legal Reference:

##### EDUCATION CODE

60010 Definitions

60040-60047 Instructional requirements and materials

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60240-60252 State Instructional Materials Fund

60400-60411 High school textbooks

60420-60424 Instructional Materials Funding Realignment Program

##### CALIFORNIA CODE OF REGULATIONS, TITLE 5

9505-9550 Instructional materials

9531-9532 Instructional Materials Funding Realignment Program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Selection and Evaluation of Instructional Materials**

The Board of Trustees desires that district instructional materials, as a whole, present a broad spectrum of knowledge. The Board's adoption of instructional materials shall be based on a determination that such materials meet criteria specified in law and are an effective learning resource to help students achieve grade-level competency.

(cf. 6000 - Concepts and Roles)

(cf. 9000 - Role of the Board)

To ensure that instructional materials effectively support the district's adopted courses of study, meet curricular goals and support student achievement, the selection of textbooks, technology-based materials, other educational materials and tests shall be aligned with the development and evaluation of the district's curriculum.

(cf. 0440 - District Technology Plan)

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6162.7 - Use of Technology in Instruction)

(cf. 6163.1 - Library Media Centers)

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

## **Instruction**

### **Selection and Evaluation of Instructional Materials (continued)**

#### Review Process

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process may involve teachers and may utilize the participation of parents/guardians and community members. In addition, the instructional materials review committee may include administrators, other staff who have subject-matter expertise.

The District may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

All recommended instructional materials shall be available for public inspection at the district office.

Individuals who participate in selecting and evaluating instructional materials shall have no financial interest in the materials being reviewed.

(cf. 3315 - Relations with Vendors)

(cf. 9270 - Conflict of Interest)

Complaints concerning instructional materials shall be handled in accordance with Board policy and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 – Williams Uniform Complaint Procedures)

(cf. 9322 - Agenda/Meeting Materials)

## **Instruction**

### **Selection and Evaluation of Instructional Materials (continued)**

#### **Public Hearing on Sufficiency of Instructional Materials**

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119) The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing, the Superintendent or designee shall post a notice in three public places within the district containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

The Board shall annually conduct a public hearing on the sufficiency of the district's instructional materials. At these hearings, the Board shall determine, through a resolution, whether each student, including each English learner, in each school has sufficient textbooks and/or instructional materials in each of the following subjects which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of instructional materials shall be determined in each of the following subjects: (Education Code 60119)

1. Mathematics (cf. 6142.92 - Mathematics Instruction)
2. Science (cf. 6142.93 - Science Instruction)
3. History-social science (cf. 6142.94 - History-Social Science Instruction)

## **Instruction**

### **Selection and Evaluation of Instructional Materials**

4. English/language arts, including the English language development component of an adopted program  
(cf. 6142.91 - English/Language Arts Instruction)  
(cf. 6174 - Education for English Language Learners)

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. (Education Code 60119)

The Board shall also make a determination that all students within the District who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3 and 60119. (Education Code 1240.3, 42605)

The hearing shall take place on or before the eighth week from the first day students attend school for that year. For districts with schools on a multitrack year-round calendar, the hearing shall be held on or before the end of the eighth week from the first day of the school year on any track that begins a school year in August or September. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school, the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

#### **Legal Reference:**

##### **EDUCATION CODE**

220 Prohibition against discrimination

1240 County superintendent, general duties

1240.3 Definition of sufficiency for categorical flexibility

33050-33053 General waiver authority

**Instruction**

**Selection and Evaluation of Instructional Materials (continued)**

33126 School accountability report card  
35272 Education and athletic materials  
42605 Tier 3 categorical flexibility  
44805 Enforcement of course of studies; use of textbooks, rules and regulations  
49415 Maximum textbook weight  
51501 Nondiscriminatory subject matter  
60000-60005 Instructional materials, legislative intent  
60010 Definitions  
60040-60052 Instructional requirements and materials  
60060-60062 Requirements for publishers and manufacturers  
60070-60076 Prohibited acts (re instructional materials)  
60110-60115 Instructional materials on alcohol and drug education  
60119 Public hearing on sufficiency of materials  
60200-60206 Elementary school materials  
60226 Requirements for publishers and manufacturers  
60240-60252 State Instructional Materials Fund  
60350-60352 Core reading program instructional materials  
60400-60411 High school textbooks  
60420-60424 Instructional Materials Funding Realignment Program  
60510-60511 Donation for sale of obsolete instructional materials  
60605 State content standards  
60605.8 Common Core Standards  
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards

**CODE OF REGULATIONS, TITLE 5**

9505-9530\_Instructional materials

**Management Resources:**

**CSBA PUBLICATIONS**

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

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001

Standards for Evaluating Instructional Materials for Social Content, 2000

**WEB SITES**

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

Association of American Publishers: <http://www.publishers.org>

California Academic Content Standards Commission, Common Core Standards:

**Instruction**

**Selection and Evaluation of Instructional Materials (continued)**

<http://www.scoe.net/castandards>

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; March 3, 2014

## **Instruction**

### **Supplementary Instructional Materials**

With the approval of the Superintendent or designee, teachers may use supplementary instructional materials that are relevant to curriculum objectives and compatible with district goals and objectives

Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:

1. Directly related to the course of study in which they are being used
2. Appropriate for students' ages and maturity levels

Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with district criteria, the teacher shall confer with the principal or designee before using them.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.

(cf. 6162.6 - Use of Copyrighted Materials)

### **Films**

When a teacher desires to show a film that has not been approved by the district or county for use in the grade level taught, the teacher shall preview the film to determine whether in his/her professional judgment it is consistent with district criteria for the selection of instructional materials. All films must be appropriate for the curriculum and the students' ages. Any film not previously approved must be approved by the Superintendent or designee prior to its showing.

If the teacher has any questions about how established district criteria apply to the film, he/she shall confer with the principal or designee before showing the film.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6142.1 - Family Life/Sex Education)

(cf. 6144 - Controversial Issues)



**Instruction**

**Supplementary Instructional Materials (continued)**

Legal Reference:

EDUCATION CODE

233.5 Duty re instruction in morals, manners and citizenship

18111 Exclusion of books by governing board

51510 Prohibited study or supplemental materials

51511 Religious matters properly included

51550 Sex education materials

60010 Definitions

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Damaged or Lost Instructional Materials**

The Board of Trustees recognizes that instructional materials are an expensive resource. The Superintendent or designee may establish procedures in accordance with law to protect instructional materials from damage or loss.

Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine a lesser charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Superintendent or designee may excuse the student/parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/ guardian, the district may initiate due process procedures to withhold the student's grades, diploma and transcripts.

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

#### Legal Reference:

##### EDUCATION CODE

48904 Willful misconduct; limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

60411 Purchase and use; property of district

##### CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Toxic Art Supplies**

The Board of Trustees recognizes its responsibility to protect the health and safety of students in the selection of materials used for instruction in arts and crafts activities.

The Superintendent or designee shall develop procedures for the purchase, use and proper disposal of arts and crafts materials which ensure that the health and safety of students is protected from harmful exposure to toxic substances in accordance with Education Code 32064 and established health standards.

The Superintendent or designee shall ensure that arts and crafts material purchased for use by students in grades K-6 will not contain toxic substances or cause chronic illness as determined by the State Department of Health Services.

Students in grades 7-8 are considered able to read and understand product labels and to take adequate precautions to use products which are prohibited for use in grades K-6. The Superintendent or designee shall ensure that arts and crafts materials purchased for use in grades 7-8 meet the requirements of Education Code 32065. The products must be properly labeled to identify toxic ingredients, warn of potential adverse health effects and describe procedures for safe use and storage.

(cf. 3514 - Environmental Safety)  
(cf. 3514.1 - Hazardous Substances)  
(cf. 5142 - Safety)

#### Legal Reference:

##### EDUCATION CODE

32060 Legislative findings and declarations  
32061 Art or craft material; definition  
32062 Human carcinogen; definition  
32063 Toxic substance causing chronic illness; definition  
32064 Restrictions on purchases of arts and crafts materials  
32065 Warning labels  
32066 List of toxic art supplies; preparation and distribution

##### HEALTH AND SAFETY CODE

108500-108515 Labeling of arts and crafts materials

##### PENAL CODE

594.1 Aerosol containers of paint

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**Standardized Testing and Reporting (STAR) Program**

The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) program as required by law and in accordance with Board policy and administrative regulation.

(cf. 6162.5 - Student Assessment)  
(cf. 6162.54 - Test Integrity/Test Preparation)

The Board requires all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulations.

The Board may use the results of the achievement tests to evaluate the performance of district students against the state's academic standards, the performance of students in other districts across the state, and national norms.

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index. If the average STAR test score is below the 50<sup>th</sup> percentile, the Board may conduct an assessment by grade level of the reasons for the performance results and adopt an improved performance plan in accordance with Education Code 52056.

(cf. 0500 - Accountability)  
(cf. 0520 - Intervention for Underperforming Schools)  
(cf. 0530 - Awards for School Performance)  
(cf. 6011 - Academic Standards)

Increased communication between parents/guardians and the district staff concerning student performance is a major goal of the district testing program. To facilitate this dialogue, parents/guardians shall receive annual assessment results along with a written explanation of the state and district testing program.

Legal Reference: (See next page)

**Instruction**

**Standardized Testing and Reporting (STAR) Program (continued)**

Legal Reference:

EDUCATION CODE

51041 Evaluation of educational program

52057 Governor's Performance Award Program

60600-60652 Assessment of academic achievement

60810 Assessment of language development

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting program

880-901 Designated primary language test

UNITED STATES CODE, TITLE 20

1412(a)(17) Participation of students with disabilities in state assessments

6311 Adequate yearly progress

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Standardized Testing and Reporting (STAR) Program**

The district shall administer the following assessments in the Standardized Testing and Reporting (STAR) program: (Education Code 60640)

1. A nationally norm-referenced achievement test designated by the State Board of Education (SBE) in basic academic skills pursuant to Education Code 60642 to each student in grades 3 and 7.
2. Achievement tests aligned with the state standards, as designed by the SBE pursuant to Education Code 60642.5 to each student in grades 2-8.
3. A primary language test for any limited English proficient student who has been enrolled in a California public school for less than 12 months, if such a test is available. This test shall be administered in addition to any norm-referenced achievement test and standards-based achievement test. (Education Code 60640)
4. The California Alternative Performance Assessment for any special education student whose individualized education program (IEP) specifically states that he/she will be assessed with the California Alternate Performance Assessment due to the student's inability to participate in any applicable norm-referenced test and standards-based achievement test, even with appropriate accommodation. (Education Code 60640; 5 CCF 852)

Any special education student who is an English learner may be tested with the designated primary language test in accordance with item #3 above, unless the IEP specifically exempts him/her from such testing. (5 CCF 881)

(cf. 6159 – Individualized Education Program)

(cf. 6164.6 – Identification and Education under Section 504)

### **Testing Period**

The Standardized Testing and Reporting (STAR) assessments shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85% of the school's, track's or program's instructional days. Testing for all students, including make-up testing, shall be completed within this 21 instructional day window unless all or part of the 21 instructional day period falls after any statutorily specified deadline. (Education Code 60640; 5 CCR 855)

The Superintendent or designee shall arrange for make-up days for the testing of students who were absent during the period that any school administered the designated achievement test and the standards-based test. (Education Code 60640; 5 CCR 855)

## **Instruction**

### **Standardized Testing and Reporting (STAR) Program (continued)**

#### Exemptions

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. The district and its employees may discuss the STAR program with parents/guardians and may inform them of the availability of exemptions under Education Code 60615. However, the district and its employees shall not solicit or encourage and written exemption request on behalf of any student or group of students. (5 CCR 852)

#### Testing Variations

The STAR assessment shall be administered in accordance with the manuals or other instructions provided by the test contractor, unless an testing variation, accommodation, or modification is specifically allowed in 5 CCR 853 or 853.5. (Education Code 60640; 5 CCR 853, 853.5)

All students shall be provided with simplified or clarified test directions, special or adaptive furniture, special lighting or acoustics, an individual carrel or study enclosure a separate testing room, and/or markers, masks, or other means to maintain visual attention, if such variations are regularly used in the classroom. (5 CVCF 853.5)

English learners shall be provided a flexible setting, flexible schedule, translated directions and/or glossaries under the conditions described in 5 CCR 853.5, if these variations are regularly used in the classroom or for assessment. (5 CCR 853.5)

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. A special education student shall be allowed to test below his/her grade level only in accordance with 5 CCR 853. (5 CCR 850, 853, 853.5)

#### District and Test Site Coordinators

Each year the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education for all matters relating to the STAR program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858, 886-887)

**Instruction**

**Standardized Testing and Reporting (STAR) Program (continued)**

In addition to the duties prescribed in 5 CCF 857-858 and 886, the district coordinator shall establish guidelines to help ensure that the test contractor is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.

Within five working days of receiving reports and files from the publisher, the Superintendent and the district coordinator shall review the files and reports for completeness and accuracy, and shall notify the test contractor and the California Department of Education of the findings. The Superintendent or district coordinator shall notify the California Department in writing whether any errors, discrepancies, or incomplete information has been resolved. (CCR 857)

**Report of Test Results**

The Superintendent or designee shall forward the student report provided by the test contractor to the student's parents/guardians within 20 working days of receiving the report from the contractor. If these reports are received from the contractor after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (5 CCR 863)

The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. (Education Code 60641)

(cf. 5125 – Student Records)

Districtwide, school-level, and grade-level results shall be reported to the Board of Trustees at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 60641)

Individual test results shall not be released without the written consent of the adult student or the minor student's parents/guardians to any person other than a parent/guardian; a teacher, counselor or administrator directly involved with the student; or a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607, 60641)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;



**Instruction**

**Use of Copyrighted Materials**

It is the intent of the Lowell Joint School District to adhere to the provisions of copyright laws in all areas, including microcomputer programs. District employees will be expected to comply with the provisions of U.S. Code Section 117, Title 17, and Public Law 96.527, Section 7 (G), which prohibit copying computer programs other than for those purposes allowed in law.

Legal Reference:

UNITED STATES CODE, TITLE 17

Copyright Act of 1976, effective January 1, 1978

PUBLIC LAW 96-517

Amends Section 117 of Title 17

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Use of Technology in Instruction**

The Board of Trustees recognizes the instructional use of computers, videotapes, interactive videodisks, distance learning, cable television and other technologies. These technologies may:

- \* Give students new ways to access information and practice skills
- \* Help teachers meet a wide range of learning styles
- \* Enable teachers to move from whole-class instruction to a mixture of small-group and individualized instruction
- \* Help students develop reasoning and problem-solving abilities

The Board recognizes that trained teachers are needed to make the best use of the district's technology. Teachers and instructional aides should receive training in using the technologies available to them. All district schools have the opportunity to obtain computers, software and other equipment.

The district's educational software shall be carefully selected and evaluated so as to meet the teachers' and students' needs and conform with district policy and regulations.

(cf. 3512 - Equipment)

(cf. 4132 - Publication or Creation of Materials)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Legal Reference:

EDUCATION CODE

51865

51870-51874 Educational Technology

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**Library Media Centers**

The Board of Trustees recognizes that school library media centers play a vital role in education by providing access to a variety of informational resources. Whenever possible, schools may provide comprehensive library media centers with up-to-date books, reference materials and electronic information resources necessary to support a high-quality educational program, promote literacy, and enable students to achieve academic standards and become lifelong learners.

(cf. 0440 - District Technology Plan)

(cf. 6011 - Academic Standards)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6163.4 - Student Use of Technology)

School libraries shall be open for use by students and teachers during the school day as authorized by the principal. (Education Code 18103)

The district's school libraries may provide: (5 CCR 16040)

1. Library instruction to students that enables them to become proficient users of library resources
2. Information to teachers and administrators concerning sources and availability of instructional materials that will aid in the development of school curriculum, and, in cooperation with classroom teachers, the development of instructional units and activities using library resources
3. Assistance to teachers and students in the evaluation, selection, production and uses of instructional materials
4. A collection of materials and resources that support the curriculum and are appropriate for user needs
5. Assistance to teachers, administrators and other school staff members in becoming knowledgeable about appropriate uses of library media services, materials and equipment

(cf. 4131 - Staff Development)

**Instruction**

**Library Media Centers (continued)**

School Library Plan

The Superintendent or designee shall develop a districtwide school library plan for approval by the Board. (Education Code 18181)

The school library plan shall describe the district's vision and goals for the district's libraries, progress toward previously established goals, and action steps including how the funds will be distributed. As appropriate, the plan may also address staffing, facilities, selection procedures, and prioritization of needs or other related matters.

Individual school sites may develop site-level plans consistent with the districtwide plan.

Classroom Library Plan

When state funding is available for classroom library materials, the Superintendent or designee shall develop a districtwide classroom library plan for grades K-6. The plan shall include a means of preventing loss, damage or destruction of the materials. (Education Code 60242, 60422)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

Selection and Evaluation of Library Materials

Responsibility for the selection of library materials is delegated to the Assistant Superintendent for Instruction or designee. School librarian technicians shall evaluate materials in accordance with law, Board policy and administrative regulation, and using professional selection aids and standards. The selection process may invite recommendations from administrators, teachers, other staff and parents/guardians as appropriate.

(cf. 6144 - Controversial Issues)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

Library materials should be continually reevaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain obsolete subject matter or are no longer appropriate may be removed, and lost or worn materials may be replaced if possible.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

**Instruction**

**Library Media Centers (continued)**

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

**Fees**

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

(cf. 3260 - Fees and Charges)

To encourage students to return materials in a timely manner, a nominal fee may be charged for the late return of materials.

**Reports**

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of school libraries for the preceding year ending June 30. (Education Code 18122)

**Legal Reference:**

**EDUCATION CODE**

1703 Coordination of district library services by county superintendent

1770-1775 Provision of library services by county superintendent

18010-20091 Libraries, especially:

18100-18103 School libraries, establishment and maintenance

18111 Exclusion of books by governing board

18120 Librarians

18122 Report on conditions of libraries

18130-18139 Contract with county or city library

18180-18184 California Public School Library Act of 1998

18202-18203 Business Organizations and Opportunities for Kids Fund

18300-18571 Union high school district/unified school district library district

19336 Recommended books, Reading Initiative Program

44868 Qualifications of librarians

45340-45349 Instructional aides

60240-60251.5 State Instructional Materials Fund, including purchase of classroom library materials

**Instruction**

**Library Media Centers (continued)**

Legal Reference: (continued)

60420-60424 Instructional Materials Funding Realignment Program

CODE OF REGULATIONS, TITLE 5

16040-16043 School libraries

80053 Library media service teaching credential

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Student Use of Technology**

The Board of Trustees intends that technological resources provided by the district be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

- (cf. 0440 - District Technology Plan)
- (cf. 1113 - District and School Web Sites)
- (cf. 4040 - Employee Use of Technology)
- (cf. 6010 - Goals and Objectives)
- (cf. 6162.7 - Use of Technology in Instruction)
- (cf. 6163.1 - Library Media Centers)

### **Definitions**

“Technology” includes computers, tablets, the Internet, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, such as iPod’s, USB drives, wireless access points (routers), or any wireless communication device.

“District Technology” is that which is owned or provided by the District.

“Personal Technology” is non-District Technology.

### **Use of District Technology**

The District provides Technology for a limited educational purpose. This means students may use these resources for classroom activities and other school-related work. Students may not use District Technology for commercial purposes; students may not offer, provide, or purchase products or services using District Technology. Students may use District Technology only for class assignments or for personal research on subjects similar to what they might study in a class or in the school library. Use for entertainment purposes or personal communication, such as personal blogging, instant messaging, on-line shopping or gaming is not allowed.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers and consequences for unauthorized use and/or unlawful activities.

- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process: Students with Disabilities)
- (cf. 5145.12 - Search and Seizure)

**Instruction**

**Student Use of Technology (continued)**

Use of Personal Technology

Use of Personal Technology may violate this Policy if the District reasonably believes the conduct or speech will cause actual, material disruption of school activities. This Policy and accompanying Administrative Regulation will provide students with guidance in order to avoid such disruption.

On-Line Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 7001, 47 USC 254)

The Board desires to protect students from access to harmful matter on the Internet or other on-line services. The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Disclosure, use and dissemination of personal identification information regarding students is prohibited.

Staff shall supervise students while they are using on-line services and may ask teacher aides and student aides to assist in this supervision.



## **Instruction**

### **Student Use of Technology (continued)**

#### Acceptable Use Agreement

Before students are authorized to use District Technology and/or bring personal mobile devices to school or school activities, they and their parent/guardian are required to sign and return the Acceptable Use Agreement. Parents must agree not to hold the District or its personnel responsible for the failure of any technology protection measures, violations of copyright restrictions, user mistakes or negligence, or any costs incurred by users. Parents also will acknowledge they may be held liable for damages caused by their child's intentional misuse of District or Personal Technology.

#### Oversight

In order to help ensure that the district adapts to changing technologies and circumstances, the Superintendent or designee shall regularly review this policy, the accompanying administrative regulation and other procedures. He/she shall also monitor the district's filtering software to help ensure its effectiveness.

#### Access to Social Media Sites

The District does not permit students to access social media sites, such as Facebook, Twitter, LinkedIn, YouTube, and MySpace, using District Technology.

#### Legal Reference:

##### EDUCATION CODE

48980 Required notification at beginning of term

51006 Computer education and resources

51007 Programs to strengthen technological skills

51870-51874 Education Technology

51870.5 Student Internet access

60044 Prohibited instructional materials

##### PENAL CODE

313 Harmful matters

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

##### UNITED STATES CODE, TITLE 20

6801-6979 Technology for Education Act of 1994

7001 Internet safety policy and technology protection measures, Title III funds

##### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

**Instruction**

**Student Use of Technology (continued)**

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's online privacy protection

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

PUBLIC LAW 107-110

2401-2441 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D

2441 Internet Safety

Management Resources:

CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1994

CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

Federal Communications Commission: <http://www.fcc.gov>

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

Commission on Online Child Protection: <http://www.copacommission.org>

CDE: <http://www.cde.ca.gov>

American Library Association: <http://www.ala.org>

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

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 18, 2012; June 18, 2013

**Instruction**

**Student Use of Technology**

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. He/she shall ensure that all students using these resources receive training in their proper and appropriate use.

- (cf. 0440 - District Technology Plan)
- (cf. 4040 - Employee Use of Technology)
- (cf. 4131- Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 6162.7 - Use of Technology in Instruction)

At the beginning of each school year, parents/guardians shall receive a copy of the District's "Student Use of Technology" policy and administrative regulation regarding access by students to the Internet and on-line sites. (Education Code 48980)

- (cf. 5145.6 - Parental Notifications)

Students are informed that their parents may be held financially responsible for any harm that may result from the student's intentional misuse of District or Personal Technology. Students may use District Technology only if their parents have signed a waiver of claims for damages against the District.

**Privacy**

Computer files and communications over District electronic networks are not private. The District reserves the right to monitor any use of District Technology, including on-line communications, for improper use and/or for regular maintenance of the District's systems. Electronic communications and downloaded material, including files deleted from a user's account, may be monitored or read by District officials to ensure proper use of the system.

- (cf. 5145.12 -Search and Seizure)

Students are informed that their parents have the right to request to see their student's computer files at any time.

**Instruction****Student Use of Technology (continued)**

## Student Obligations and Responsibilities

Students are authorized to use District Technology in accordance with user obligations and responsibilities specified below and in accordance with Governing Board Policy and the District's Acceptable Use Agreement. Students should promptly inform a teacher or administrator if they receive materials that are inappropriate or make them feel uncomfortable. The following provisions refer to District Technology; however, use of Personal Technology also may violate this regulation if the District reasonably believes the conduct or speech will cause actual, material disruption of school activities.

1. The student, in whose name any account is issued, is responsible for its proper use at all times. Students shall keep passwords, personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own password or account number.
2. Students shall use District Technology responsibly for educational purposes, just as they are in a classroom or a school hallway. General school rules for behavior and communications apply. Commercial, political and/or personal use unrelated to an educational purpose is strictly prohibited.
3. The network is provided for students to conduct research and communicate with others. Access to network services is given to students who agree to act in a considerate and responsible manner. Access is a privilege – not a right. That access entails responsibility. Inappropriate use will result in suspension or cancellation of Internet privileges. The system administrators may close an account at any time as required. The administration, teachers, and staff members may request the system administrator to deny, revoke, or suspend specific user accounts.
4. Students shall not use District Technology to access, post, submit, publish or display “material that is harmful to minors,” or matter that is threatening, obscene, lewd, vulgar, defamatory, inaccurate, abrasive, sexually oriented, offensive, illegal material, or disruptive.

The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that

- (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

**Instruction**

**Student Use of Technology (continued)**

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. (47 USC 254(h)) .5.

5. Students shall not use District Technology to engage in discrimination, harassment, intimidation or bullying on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, or association with a person or group with one or more of these actual or perceived characteristics.

6. Students shall not use District Technology to engage in hate violence.

“Hate violence” means an act punishable under Penal Code Section 422.6 (“Interference with exercise of civil rights because of actual or perceived characteristics of victim; damaging property; punishment; speech; charging and punishment for conduct violating multiple provisions of law”), Section 422.7 (a crime, intended to intimidate or interfere with a person’s legal rights, that is (a) a crime against a person that either includes the present ability to commit a violent injury or causes actual physical injury, or (b) a crime against property that causes damage in excess of nine hundred fifty dollars), or 422.75 (felony hate crimes)

7. Students shall not use District Technology to engage in harassment, threats or intimidation.

“Harassment, threats or intimidation” means the pupil has 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 personnel or pupils by creating an intimidating or hostile educational environment.

8. Students shall not engage in cyberbullying using District Technology.

“Cyberbullying” means any severe or pervasive verbal communications made by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

**Instruction**

**Student Use of Technology (continued)**

- (a) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (b) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (c) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (d) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer or pager.

“Reasonable pupil” means a pupil, including but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

While not an exhaustive list, examples of cyberbullying might include:

- \* Threats to harm another person
- \* Oral or written assaults, such as teasing or name calling
- \* Social isolation or manipulation
- \* Posting harassing messages, direct threats, social cruelty or other harmful texts, sounds or images on the Internet, including social networking sites
- \* Posting or sharing false or defamatory information about another person
- \* Posting or sharing information about another person that is private
- \* Pretending to be another person on a social networking site or other electronic communication in order to damage that person's reputation or friendships
- \* Posting or sharing photographs or videos of other people without their permission
- \* Spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages)
- \* Retaliating against someone for complaining that they have been bullied

**Instruction**

**Student Use of Technology (continued)**

9. Students shall not disclose, use or disseminate personal identification information about themselves or others when using District Technology, including electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals located 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 individually identifiable information. Students should not post or share photographs or videos of other students without the other student's permission.

10. Students shall not use District Technology to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or Board Policy.

(cf. 3513.3 - Tobacco-Free Schools)

11. Copyrighted material shall not be placed on District Technology without the author's permission. Students may download copyrighted material for their own use only. Users must respect all copyright laws that protect software owners, artists, and writers. Plagiarism will not be tolerated.

(cf. 6162.6 - Use of Copyrighted Materials)

Copyrighted material shall be downloaded or shared 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.

(cf. 5131.9 - Academic Honesty)

12. Students shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy District Technology or manipulate the data of any other user, including so-called hacking.

(cf. 5131.6 - Vandalism, Theft and Graffiti)

13. Students shall not read other users' electronic communication or files. They shall not attempt to interfere with other users' ability to send or receive electronic communication, nor shall they attempt to delete, copy, modify or forge other users' communication or files.

**Instruction****Student Use of Technology (continued)**

14. Security on any computer system is a high priority, especially when the system involves many users. Students shall report any security problem or misuse of District or Personal Technology to the teacher or school administrator. If a student mistakenly accesses inappropriate information, the student must immediately report the matter to a teacher or school administrator. Using someone else's password or trespassing in another's folders, work, or files without written permission is prohibited and may result in cancellation of user privileges.
15. Students shall not modify or attempt to repair District Technology without prior authorization.
16. Students shall not connect any personal device in the network, such as wireless access points, routers, hubs, etc.
17. Students shall not use web based proxies/anonymizers or software that attempts to make online activity on the Internet untraceable.
18. Students shall not download large files without permission of a teacher or administrator. Students shall not misuse District or school distribution lists or discussion groups by sending irrelevant messages.
19. Students may not send, share, view or possess pictures, videos, text messages, e-mails or other material of an obscene nature in electronic or any other form on Personal Technology at school or school-related activities, or using District Technology.
20. The use of personal mobile devices, such as laptops, cellular phones, tablets, pagers, or other electronic signaling devices, by students on campus is subject to all applicable District policies and regulations.
21. The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District assumes no responsibility or liability for any phone charges, line costs, or usage fees, nor for any damages a user may suffer. This includes loss of data resulting from delays, non-deliveries, or service interruptions caused by its own negligence or the student's errors or omissions. Use of any information obtained via the Internet is at the student's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.



## **Instruction**

### **Student Use of Technology (continued)**

#### Mobile Devices

##### A. Personal Mobile Devices

The use of personal mobile devices, such as laptops, cellular phones, tablets, pagers, or other electronic signaling devices, by students on campus is subject to all applicable District policies and regulations concerning technology use, as well as the following rules and understandings:

- Permission to have a mobile device at school is contingent on parent/guardian permission in the form of a signed copy of the District's Technology Use policy and administrative regulation, except as required by Education Code Section 48901.5(b).
- The District accepts no financial responsibility for damage, loss or theft. The student should keep the device in a locker or backpack when not in use. Devices should not be left unattended.
- All costs for data plans and fees associated with mobile devices are the responsibility of the student. The District does not require the use of personal mobile devices and does not rely on personal devices in its instructional program or extracurricular activities.
- Mobile devices with Internet access capabilities will access the Internet only through the school's filtered network while on school property.
- Use during class time must be authorized by the teacher.
- Photographs and audio or video recordings may be taken/made only with the express written permission of all individuals being photographed or recorded. Recordings made in a classroom require the advance written permission of the teacher and the school principal.
- Students may not take, possess or share obscene photographs or videos
- Students may not photograph, videotape or otherwise record teacher prepared materials, such as tests.
- The District will monitor all Internet or intranet access.
- If the District has reasonable cause to believe the student has violated the law or District policy, the device may be searched by authorized personnel and/or law enforcement may be contacted.

**Instruction**

**Student Use of Technology (continued)**

B. District-Owned Mobile Devices

When a student is using a District-owned mobile device, all of the above rules pertaining to personal mobile devices apply as well as the following:

- The device may be used only for school-related purposes.
- Users may not download applications (“apps”) to the device without permission from the teacher or other District employee.
- Users must follow all “apps” use agreements.
- The student and parent/guardian will be responsible for the replacement cost if the device is lost or is damaged because of intentional misuse.

Consequences for Violation

For purposes of disallowing access to District Technology, the principal or designee shall make all decisions regarding whether or not a student has violated Board policy or administrative regulation. The decision of the principal or designee shall be final.

Inappropriate use shall result in a cancellation of the student’s user privileges, disciplinary action and/or legal action in accordance with law and Board Policy.

Permission to bring personal mobile devices to school or school activities also may be revoked.

(cf. 5144 -Discipline)

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

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 18, 2012; June 18, 2013



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**BP 6164.4**

## **Instruction**

### **Identification and Evaluation of Individuals for Special Education**

The Board of Trustees recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessments of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. In addition, the Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate, and evaluate these students.

The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the general instructional program.

The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning the child. In addition, the Superintendent or designees shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**AR 6164.4**

## **Identification and Evaluation of Individuals for Special Education**

### Referrals for Special Education Services

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate.

All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student, and their effect.

Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees in writing to an extension. If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term.

The proposed assessment plan shall meet all of the following requirements:

1. Be in a language easily understood by the general public
2. Be provided in the primary language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
3. Explain the types of assessment to be conducted
4. State that no individualized education program (IEP) will result from the assessment without parent/guardian consent

Before conducting an initial assessment, the district shall provide the parent/ guardian with prior written notice in accordance with 34 CFR 300.503. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information:

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341.

**Identification and Evaluation of Individuals for Special Education (continued)**

2. When making a determination of eligibility for special education, the district shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368, lack of appropriate instruction in mathematics, or limited English proficiency.
3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.
4. If the parent/guardian disagrees with an assessment obtained by the district, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502. The parent/guardian is entitled to only one such assessment at public expense each time the district conducts an assessment with which the parent/guardian disagrees.

If the district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have an in-class observation of the student, an equivalent opportunity shall apply to the independent educational assessment. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

If the parent/guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the district with respect to the provision of free, appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student.

5. The district may initiate a due process hearing pursuant to Education Code 56500- 56508 to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent/guardian maintains the right for an independent educational assessment, but not at public expense.
6. If a parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by the parent/guardian, the student in the proposed placement. Any such observation shall only be of the student who is the subject of the observation and may not include the observation or assessment of any other student in the proposed placement unless that student's parent/guardian consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other student.

**Identification and Evaluation of Individuals for Special Education (continued)**

Parent/Guardian Consent for Evaluation

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the assessment. The assessment may begin as soon as informed parental consent is received by the district. The district shall not interpret parent/guardian consent for initial assessment as consent for initial placement or initial provision of special education services.

Informed parental consent means that the parent/guardian: (34 CFR 300.50)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**BP 6164.5**

## **Instruction**

### **Student Study Teams**

The Board of Trustees encourages the collaboration of the parents/guardians, teachers, resource personnel, and administrators evaluating the strengths and needs of students having academic, attendance, or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent or designee shall develop procedures for establishing student study teams that address individual student needs.

The Superintendent or designee shall establish a process for initiating referrals of the student to the student success team.

Each student success team shall develop intervention strategies to assist the student. Such strategies may include changes in instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline referrals to other agencies or resources, and/or other appropriate interventions.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 8, 2020



# Lowell Joint School District

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**AR 6164.5**

## **Instruction**

### **Team Membership**

Members of individual student success teams may include:

1. The principal or designee
2. One or more of the student's classroom teachers and/or former teachers
3. The student's parents/guardians
4. The student if appropriate
5. Resource personnel or specialists, such as a school counselor, psychologist, nurse, outreach consultant, special education resource person, categorically funded staff person, speech and language specialist, foster youth liaison, social worker, probation officer, community resource representative, mental health worker or other person relevant to the student's situation

### **Team Responsibilities**

The principal or designee shall:

1. Schedule meetings and establish meeting procedures
2. Contact parents/guardians and other team members regarding team meetings
3. Consult with appropriate school or district resource personnel
4. Coordinate the collection of any additional background information necessary to inform team members about the student's strengths and needs
5. Coordinate the preparation of the student and parents/guardians for the meeting
6. Facilitate the team meetings
7. Coordinate the monitoring of the student's progress and scheduling of follow-up meetings as needed.

Regulation Approved: June 8, 2020





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**BP 6164.6**

## **Instruction**

### **Identification and Education Under Section 504**

The Board of Trustees believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.

The Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities.

The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board.

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with the law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 8, 2020



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**AR 6164.6**

**Identification and Education Under Section 504**

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973:

---

Position / Title

---

Address

---

Telephone Number

For the purpose of implementing Section 504, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of general or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian except when a fee is specifically authorized by law for all students.

A student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities.

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, lymphatic, skin, and endocrine.

Mental impairment means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

**Identification and Education Under Section 504 (continued)**

Substantially limits major life activities means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, and working. Major life activities also include major bodily functions such as functions of the immune system, special sense organs, and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. The determination of whether an impairment substantially limits a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

**Referral and Identification Procedures**

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.
2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and non-academic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement.

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

**Referral and Identification Procedures (continued)**

4. The district's evaluation procedures shall ensure that the tests and other evaluation materials:
  - a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
  - b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
  - c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

**Section 504 Services Plan and Placement**

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multidisciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 teams shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34.

2. If upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of general or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

**Section 504 Services Plan and Placement (continued)**

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the general educational environment unless the district can demonstrate that the education of the student in the general educational environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs.
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame. The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s), and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

**Review and Reevaluation**

The 504 teams shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement

## Procedural Safeguards

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate.

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue, and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, or if the parent/guardian did not request an administrative review, he/she may request a Section 504 due process hearing.

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
  - a. The specific nature of the decision with which he/she disagrees
  - b. The specific relief he/she seeks
  - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing

**Procedural Safeguards (continued)**

4. The parties to the hearing shall be afforded the right to:
  - a. Be accompanied and advised by legal counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
  - b. Present written and oral evidence
  - c. Question and cross-examine witnesses
  - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 8, 2020

## **Instruction**

### **Title I Programs**

In order to improve the academic achievement of economically disadvantaged families, the district shall use federal Title I funds to provide eligible students with supplementary services to reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

(cf. 5149 - At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

A school may operate a Title I school-wide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state and local sources for program purposes. (20 USC 6312, 6314)

In any school receiving Title I funds that does not operate a school-wide program, the district shall use Title I funds only for targeted assistance programs for eligible students. (20 USC 6315)

The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities. The district and each school receiving Title I funds shall develop a written parent involvement policy in accordance with 20 USC 6318.

The Superintendent or designee shall ensure the coordination of Title I activities with other programs as appropriate.

#### **District Plan**

The Superintendent or designee shall consult with teachers, principals, administrators, other appropriate school personnel, and parents/guardians of participating students in the development, periodic review, and, as necessary, the revision of a Local Educational Agency (LEA) Plan. The Plan and any revisions shall be submitted to the Governing Board for approval. (20 USC 6312)



## **Instruction**

### **Title I Programs (continued)**

The district shall submit the plan to the California Department of Education for approval by the State Board of Education. The plan will contain the components specified in 20 USC 6312, which describe the assessment, strategies, and services the district will use to help low-achieving students meet challenging academic standards. (20 USC 6312)

(cf. 0420 - School Plans/Site Councils)

The district shall periodically review and, as necessary, revise the district plan. (20 USC 6312)

### **Parent Involvement**

Title I programs, activities and procedures shall be developed and agreed upon with parents/guardians of participating students. (20 USC 6318)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall: (20 USC 6318)

1. Coordinate and integrate Title I parent involvement strategies with parent involvement strategies under other programs specified in 20 USC 6318
2. Conduct, with parent/guardian involvement, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I, including:
  - a. Using evaluation findings to design strategies for more effective parent involvement
  - b. If necessary, revising the district and school parent involvement policies
3. Involve parents/guardians in the activities of schools served by Title I

This policy shall be distributed to parents/guardians of participating students and incorporated into the district's Title I plan. (20 USC 6318)

### **Comparability of Services**

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds. Comparability may be determined on a school-by-school basis or by grade span.

**Instruction**

**Title I Programs (continued)**

(20 USC 6321)

The Board of Trustees shall adopt a district-wide salary schedule and the Superintendent or designee shall establish procedures which ensure that all district schools are provided with the same level of base funding, per student, for staff services, curriculum materials and instructional supplies. At the beginning of each school year, the ratio of students to teachers and other staff shall vary as little as possible from school to school. The Superintendent or designee shall maintain records of the quantity and quality of books and equipment at each school.

The Superintendent or designee shall develop procedures for ensuring comparability of services and shall biennially update records documenting the district's compliance. (20 USC 6321) In determining comparability, the district may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for excess costs or providing services to disabled students, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

At the beginning of each school year, the Superintendent or designee shall measure comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of non-comparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

**Program Evaluation**

The Board shall use state assessment results and other available measures or indicators to annually review the progress of each participating school and determine whether the school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (20 USC 6312)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6190 - Evaluation of the Instructional Program)

(cf. 9000 - Role of the Board)

**Instruction**

**Title I Programs (continued)**

Legal Reference:

EDUCATION CODE

11500-11506 Programs to encourage parent involvement

52055.57 Districts identified or at risk of identification for program improvement

54020-54028 Economic Impact Aid

54420-54425 State Compensatory Education

64001 Single plan for student achievement, consolidated application programs

UNITED STATES CODE, TITLE 20

6301 Program purpose

6311-6322 Improving basic programs for disadvantaged students, including:

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6314 Title I school-wide programs

6315 Targeted assistance schools

6316 School improvement

6318 Parent involvement

6320 Participation of private school students

6321 Comparability of services

6322 Coordination with early childhood education programs

7881 Participation of private school students

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.79 Improving basic programs for disadvantaged students

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 2, 2008

## **Instruction**

### **Title I Programs**

#### Targeted Assistance Schools

Schools that receive Title I funds but do not operate school-wide programs shall use Title I funds to serve students identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by the district and supplemented by the school. (P.L. 107-110, Section 1115)

A targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic achievement standards expected for all students
2. Use effective methods and instructional strategies that are based on scientifically based research that strengthens the core academic program and that give primary consideration to provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours
3. Coordinate with and support the regular education program.
4. Provide instruction by highly qualified teachers
5. Provide strategies to increase parent involvement
6. Provide opportunities for professional development for teachers, principals, paraprofessionals, and, if appropriate, other staff and parents/guardians
7. Coordinate and integrate federal, state and local services and programs

#### Participation of Private School Students

The Superintendent or designee shall make available Title I benefits to eligible private school students residing in a participating school attendance area. (P.L. 107-110, Sections 1120, 9501). Consultation in a timely manner with appropriate private school officials will occur annually. The number of private school students, ages 5-17 who are from low income families will be identified by the district every two years using the same measure of low income used to determine eligibility of district school students.

The Superintendent or designee shall maintain in the district's records and provide to the California Department of Education a written affirmation signed by officials of each participating private school that consultation has occurred (P.L. 107-110, Section 1120)

**Instruction**

**Title I Programs (continued)**

Parent Involvement

Each school receiving Title I funds shall develop a written policy on parent involvement developed jointly and agreed upon by parents/guardians of participating students and shall describe the means by which the school shall: (20 USC 6318)

1. Inform parents/guardians of their student's participation in Title I programs.
2. Involve parents/guardians in the review of Title I programs through the existing school advisory group, School Site Council.
3. Provide a written description and explanation of the school's curriculum, forms of academic assessment used to measure student progress and the proficiency levels students are expected to meet.
4. Jointly develop with the parents/guardians of participating students, a school-parent compact that outlines how parents/guardians, the school staff and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards. This compact shall address:
  - a. Ways in which parents/guardians will be responsible for supporting their child's learning, such as monitoring attendance; homework completion and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their child's education and positive use of extracurricular time.
  - b. The importance of communication between teachers and parents on an ongoing basis, at a minimum:
    - Parent-teacher conferences, at least once annually.
    - Frequent student progress report

(cf. 5124 – Communication with Parents/Guardians)

5. Help parents/guardians understand such topics as the state's academic content standards, state and local assessments, the requirements of Title I and how to monitor a student's progress and work with educators to improve the achievement of their children

**Instruction**

**Title I Programs (continued)**

6. Provide materials and training to help parents/guardians work with their child to improve academic achievement

Each school's parent involvement policy shall be updated periodically to meet the changing needs of the parents and the school. (P.L. 107-110, Section 1118)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; June 2, 2008

**Instruction**

**Gifted and Talented Student Program**

The Board of Trustees believes that all students deserve an education that challenges them to meet their full potential. The Board shall provide gifted and talented students opportunities for learning commensurate with their particular abilities and talents.

Programs for gifted and talented students may include special day classes, part-time groupings and cluster groupings which shall be planned and organized as an integrated, differentiated learning experience within the regular school day. These programs may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, acceleration and enrichment. (Education Code 52206)

- (cf. 5123 - Promotion/Acceleration/Retention)
- (cf. 6141.5 - Advanced Placement)
- (cf. 6146.11 - Alternative Credits Toward Graduation)
- (cf. 6158 - Independent Study)
- (cf. 6177 - Summer School)

The Board shall determine the most appropriate curricular components for participating students. Each participating student's program shall include an academic component and, as appropriate, instruction in basic skills. (Education Code 52206)

The Superintendent or designee shall ensure the full participation of eligible students regardless of their ethnic, cultural, linguistic or economic background.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 6174 - Education for English Language Learners)

Staff development may be provided to support teachers of gifted and talented students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.

- (cf. 4131 - Staff Development)

The Board shall regularly evaluate the effectiveness of the district's program in meeting the needs of gifted and talented students.

- (cf. 0500 - Accountability)
- (cf. 6190 - Evaluation of the Instructional Program)

**Instruction**

**Gifted and Talented Student Program (continued)**

Program planning, implementation and evaluation may involve parents/guardians, staff and community members as appropriate.

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Legal Reference:

EDUCATION CODE

48800-48802 Enrollment of gifted students in community college

51740 Instruction by correspondence

51745-51749.3 Independent study programs

52200-52212 Gifted and Talented Pupil Program

76001 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

1633 Instruction by correspondence

3820-3870 Gifted and Talented Pupil Program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;



## **Instruction**

### **Gifted and Talented Student Program**

#### Definitions

A gifted and talented student is one who is identified as possessing demonstrated or potential abilities that give evidence of high performance capability in categories selected by the Governing Board. (Education Code 52201)

A highly gifted student is one who has achieved a measured intelligence quotient of 150 or more points on an assessment of intelligence administered by qualified personnel or has demonstrated extraordinary aptitude and achievement in language arts, mathematics, science, or other academic subjects, as evaluated and confirmed by both the student's teacher and principal. Highly gifted students shall generally constitute not more than one percent of the student population. (Education Code 52201)

A special day class for gifted and talented students consists of one or more classes totaling a minimum school day where each class: (5 CCR 3840)

1. Is composed of gifted and talented students
2. Is designed to meet the specific academic needs of gifted and talented students for enriched or advanced instruction and is appropriately differentiated from other classes in the same subjects at the school
3. Is taught by a teacher who has specific preparation, experience, personal attributes and competencies in the teaching of gifted children

A part-time grouping is one in which students attend classes or seminars that are organized to provide advanced or enriched subject matter for a part of the school day and those classes are composed of identified gifted and talented students. (5 CCR 3840)

A cluster grouping is one in which students are grouped within a regular classroom setting and receive appropriately differentiated activities from the regular classroom teacher. (5 CCR 3840)

Independent study provides additional instructional opportunities supervised by a certificated district employee through special tutors or mentors or through enrollment in correspondence courses specified in Education Code 51740 and 5 CCR 1633. (5 CCR 3840)

(cf. 6158 - Independent Study)

## **Instruction**

### **Gifted and Talented Student Program (continued)**

Acceleration means that students are placed in grades or classes more advanced than those of their chronological age group and are provided special counseling and/or instruction outside the regular classroom in order to facilitate their advanced work. (5 CCR 3840)

(cf. 5123 - Promotion/Acceleration/Retention)

Enrichment activities are supplemental educational activities that augment students' regular educational programs in their regular classrooms. Students use advanced materials and/or receive special opportunities from persons other than the regular classroom teacher. (5 CCR 3840)

#### **Program Plan**

The Superintendent or designee shall develop a written plan for the district's program which includes the components specified in 5 CCR 3831.

#### **Identification of Gifted and Talented Students**

Students shall be selected for the program based on their demonstrated or potential ability for high performance in accordance with the categories specified in Education Code 52202 and 5 CCR 3822.

Evidence of a student's capability shall include any of the data specified in 5 CCR 3823 and shall consider the economic, linguistic and cultural characteristics of students' background. (5 CCR 3823)

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

(cf. 6162.5 - Student Assessment)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6174 - Education for English Language Learners)

Prior to making a final determination of a student's eligibility, the pertinent evidence may be evaluated by the student's principal or designee, a classroom teacher familiar with the student's work, and, when appropriate, a credentialed school psychologist. A person recognized as an expert in the gifted and talented category under consideration, and/or a person who has in-depth understanding of the student's linguistic or cultural group, may participate in the evaluation of the evidence unless there is no doubt as to the student's eligibility. These persons may meet as necessary to resolve any differences in assessment and recommendations. (5 CCR 3824)

**Instruction**

**Gifted and Talented Student Program (continued)**

The Superintendent or designee shall make the final determination of a student's eligibility.

The Superintendent or designee may also identify as gifted and talented any student who has transferred from a district in which he/she was identified as a gifted and talented student. (Education Code 52202)

(cf. 5118 - Transfers)

The Superintendent or designee may establish an identification and placement committee to review evidence of students' capacities and make recommendations regarding the eligibility of individual students.

Written parental consent shall be secured before students participate in the program. (5 CCR 3831)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

## Instruction

## Education for Homeless Children

The Board of Trustees recognizes its obligation to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for them to meet the same challenging performance standards as other students.

(cf. 6011 – Academic Standards)

The Superintendent or designee shall identify and remove any barriers to the identification and enrollment of homeless students and to the retention of homeless students due to absences or outstanding fees or fines.

(cf. 3250 - Transportation Fees)

(cf. 3260 - Fees and Charges)

(cf. 5113.1 - Chronic Absence and Truancy)

When there are at least 15 homeless students in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school.

In order to identify district students who are homeless, the Superintendent or designee may give a housing questionnaire to all parents/guardians during school registration, make referral forms readily available, include the district liaison's contact information on the district and school web sites, provide materials in a language easily understood by families and students, provide school staff with professional development on the definition and signs of homelessness, and contact appropriate local agencies to coordinate referrals for homeless children and youth and unaccompanied youth.

(cf. 1113 - District and School Web Sites)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

Each homeless student shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (42 USC 11432)

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 5148.2 - Before/After School Programs)  
(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6159 - Individualized Education Program)  
(cf. 6164.2 - Guidance/Counseling Services)  
(cf. 6171 - Title I Programs)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6174 - Education for English Learners)  
(cf. 6177 - Summer Learning Programs)  
(cf. 6178 - Career and Technical Education)  
(cf. 6179 - Supplemental Instruction)

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that homeless children and youth are promptly identified and ensure that homeless students have access to and are in reasonable proximity to available education and related support services. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other inter-district activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for homeless students and services for students with disabilities. (42 USC 11432)

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

District liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of

homeless students and to provide training on the definitions of terms related to homelessness.  
(42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP.

(cf. 0500 - Accountability)  
(cf. 6162.51 - State Academic Achievement Tests)  
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation costs by parents  
48850 Educational rights of homeless and foster youth  
48852.5 Notice of educational rights of homeless students  
48852.7 Enrollment of homeless students  
48915.5 Recommended expulsion, homeless student with disabilities  
48918.1 Notice of recommended expulsion  
51225.1-51225.3 Graduation requirements  
52052 Accountability; numerically significant student subgroups  
52060-52077 Local control and accountability plan  
CODE OF REGULATIONS, TITLE 5  
4600-4670 Uniform complaint procedures  
UNITED STATES CODE, TITLE 20  
1087vv Free Application for Federal Student Aid; definitions  
1232g Family Educational Rights and Privacy Act  
6311 Title I state plan; state and local educational agency report cards  
UNITED STATES CODE, TITLE 42  
11431-11435 McKinney-Vento Homeless Assistance Act  
12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; June 28, 2021

Instruction

Education for Homeless Children

Definitions

Homeless means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11435)

1. Children and youths 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; are abandoned in hospitals

(cf. 6173.1 - Education for Foster Youth)

2. Children and youths 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. Children and youths 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 the children are living in conditions described in (1)-(3) above

*School of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

*Best interest* means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (42 USC 11432)

*Unaccompanied youth* means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))

District Liaison

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

Superintendent or Designee  
11019 Valley Home Avenue, Whittier, CA 90603  
(562) 943-0211

The district's liaison for homeless students shall ensure that: (42 USC 11432)

Instruction

Education for Homeless Children (continued)

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies

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

(cf. 3553 - Free and Reduced-Price Meals)

(cf. 5141.6 - Student Health and Social Services)

2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools
3. Homeless families and students receive educational services for which they are eligible
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

(cf. 5141.6 - School Health Services)

5. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children

(cf. 5145.6 - Parental Notifications)

6. Enrollment disputes are mediated in accordance with law, Governing Board policy and administrative regulation
7. Ensure that school personnel providing services to homeless students receive professional development and other support

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

9. 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

10. 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 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 his/her expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

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

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

(cf. 6159 - Individualized Education Program)

## Enrollment

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

The student may continue attending the school of origin for the duration of the homelessness or until the student moves into permanent housing. (42 USC 11432)

If the student is placed at a school other than the school of origin or a school requested by the parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432)

Instruction

Education for Homeless Children (continued)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5125 - Student Records)

(cf. 5141.31 – Immunizations)

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 medical records, the principal or designee shall refer the parent/guardian to the district homeless student liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

Enrollment Disputes

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted, pending resolution of the dispute, to the school designated by the district liaison. (42 USC 11432)

The parent/guardian (or unaccompanied youth) shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison. (42 USC 11432)

The district liaison shall carry out the dispute resolution process provided by the state as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

(cf. 1312.3 - Uniform Complaint Procedures)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

June 28, 2021

## **Instruction**

### **Education For English Language Learners**

The Board of Trustees intends to provide English language learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the district's academic standards. The district's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English-proficient peers in the regular course of study.

(cf. 4112.22/4212.22 - Staff Teaching Students of Limited English Proficiency)

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations.

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

(cf. 6190 - Evaluation of the Instructional Program)

### **Type of Instruction**

Students who are English language learners may be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. "Nearly all" of the classroom instruction in the district's sheltered English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

The district has defined the term "nearly all" as providing that all classroom instruction be conducted in English except for clarification, explanation and support as needed.

When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education or any locally developed assessments and using other criteria developed by the district, he/she may be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is in English. (Education Code 305; 5 CCR 11301)

## **Instruction**

### **Education For English Language Learners**

An English language learner has acquired a "reasonable level of English proficiency" based on the English language proficiency (ELP) summative assessment threshold between level 3 and level 4 and Initial Fluent English Proficient (IFEP) at or above the same threshold.

(cf. 6011 - Academic Standards) (cf. 6162.5 - Student Assessment)  
(cf. 6171 – Title I Programs)

Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

#### **Parental Exception Waivers**

At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent or designee. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition. All such waiver requests shall be granted unless: (1) the principal and educational staff determine that the alternative program requested by the parent/guardian would not be better suited for the overall educational development of the student, or (2) the program requested by the parent/guardian is not offered at the school.

When evaluating a waiver request pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent measures shall be used.

These equivalent measures may include local assessments, local standards and teacher evaluations.

If the waiver requested by the parent/guardian is granted, and less than 20 students at the same school receive a waiver, the student shall be allowed to transfer to another public school in which such a class is offered. (Education Code 311)

**Instruction****Education For English Language Learners**

If the Superintendent or designee denies the waiver request, he/she shall provide written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

## Legal Reference:

## EDUCATION CODE

300-340 English language education for immigrant children

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33308.5 CDE guidelines not binding

44253.5-44253.10 Certification for bilingual-cross-cultural competence

48985 Notices to parents in language other than English

51101 Rights of parents to information

51101.1 Rights for parents of English learners

52130-52135 Impacted languages act of 1984

52160-52178 Bilingual Bicultural Act

52180-52186 Bilingual teacher training assistance program

54000-54041 Programs for disadvantaged children

60810-60812 Assessment of language development

62001-62005.5 Evaluation and sunseting of programs

## CODE OF REGULATIONS, TITLE 5

4320 Determination of funding to support program to overcome the linguistic difficulties of English learners

11300-11316 English Language Learner Education

11510-11516 California English Language Development Test

**Instruction**

**Education For English Language Learners**

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

6312 Local education agency plans

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

Policy Adopted: March 23, 1987; June 26, 2017

Policy Revised: February 23, 2004; September 26, 2005

## **Instruction**

### **Education For English Language Learners**

#### Definitions

*English learner* means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a limited English proficient or LEP child. (Education Code 306)

*English language classroom* means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (Education Code 306)

*English language mainstream classroom* means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (Education Code 306)

*Sheltered English immersion or structured English immersion* means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)

*Bilingual education/native language instruction* means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)

#### Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (5 CCR 11307)

Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the home language survey, and for whom there is no record of results from an English language development test shall be assessed using the California English Language Development Test (CELDT). (5 CCR 11511)

All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (5 CCR 11516)

Any student with a disability shall take the CELDT with those accommodations for testing that the student has regularly used during instruction and classroom assessment as

**Instruction**

**Education For English Language Learners (continued)**

delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. (5 CCR 11516.5)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

The district shall notify parents/guardians of their child's results on the CELDT within 30 calendar days. (5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments. (former Education Code 52164.1, 62002)

Before students are enrolled in a program for English language learners, parents/guardians shall receive information about the program and their opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
  - a. The manner in which the program will meet the educational strengths and needs of the student



**Instruction**

**Education For English Language Learners (continued)**

- b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
  - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools
  - d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program
  5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

Parent/guardians also shall be notified of the results of any reassessments. (Education Code 52164.3)

**Parental Exception Waivers**

Parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)

A parent/guardian may request that the district waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program if the one of the following circumstances exists:

1. Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower. (Education Code 311(a))
2. Older students: The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study

**Instruction**

**Education For English Language Learners (continued)**

would be better suited to the student's rapid acquisition of basic English skills. (Education Code 311(b))

3. Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311(c))

The parent/guardian may personally visit the school to apply for the waiver. (Education Code 310)

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (Education Code 310, 311; 5 CCR 11309)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices
2. For a request for waiver pursuant to Education Code 311(c) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the Superintendent must approve the waiver pursuant to Board of Trustees' guidelines

Pursuant to Education Code 311(b) and 311(c), the principal and educational staff may recommend a waiver to a parent/guardian for a student 10 years or older and a student with special needs. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including Education Code 310. (5 CCR 11309)

**Instruction**

**Education For English Language Learners (continued)**

When evaluating waiver requests pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include local assessments, local standards and teacher evaluations.

Parental exception waivers pursuant to Education Code 311(b) for students 10 years or older shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to Education Code 311(c) for students with special needs shall be granted if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement.

The principal or designee shall act upon all parental exception waivers within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to Education Code 311(c) for students with special needs shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

All parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR 11309)

Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education Code 310)

Students wishing to transfer shall be subject to the district's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

(cf. 5116.1 - Intradistrict Open Enrollment)  
(cf. 5117 - Interdistrict Attendance)

**Instruction**

**Education For English Language Learners (continued)**

In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

**Reclassification/Redesignation**

The district shall continue to provide additional and appropriate educational services to English language learners for the purposes of overcoming language barriers until the English language learners have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the district's average native English language speakers
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English language learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following four criteria shall be used to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency (ELP), using an objective assessment instrument, including, but not limited to, the state test of English language development; and
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery; and
3. Parent opinion and consultation; and

**Instruction**

**Education For English Language Learners (continued)**

4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

The Superintendent or designee shall provide subsequent monitoring and support for redesignated students, including but not limited to monitoring the performance of redesignated students in the core curriculum in comparison with their native-English speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.

The Superintendent or designee shall develop a process to monitor the effectiveness of the district's program for English language learners. The district's program shall be modified as needed to help ensure language and academic success for each English language learner.

**Advisory Committees**

At the district level when there are more than 50 English language learners in the district and at each school with more than 20 English language learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent in the total number of students at the school. (Education Code 52176)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals and objectives for programs and services for English learners.

**Instruction**

**Education For English Language Learners (continued)**

4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

(cf. 0420 – School Plans/Site Councils)

(cf. 1220 – Citizen Advisory Committees)

(cf. 5020 – Parent Rights and Responsibilities)

(cf. 6020 – Parent Involvement)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. The training shall be planned in full consultations with the members. (5 CCR 11308)

Regulation Approved: March 23, 1987

Regulation Revised: February 23, 2004; September 26, 2005

**English Language Advisory Committee (ELAC)**

Whenever there are 21 or more EL students at a school site, there is a functioning ELAC and/or the responsibilities of the ELAC have been assigned to the School Site Council based on a vote of the ELAC membership that has met all of the following:

1. Has advised the staff and principal in:
  - a. The development of the school plan for English learners submitted to the Board of Education
  - b. Conducting the school's needs assessment
  - c. Administration of the school's language census
  - d. Efforts to make parents aware of the importance of regular school attendance
2. Has a membership of EL parents in at least the same percentage as there are EL students at the school

**Instruction**

**Education For English Language Learners (continued)**

3. Has had an election of members in which all parents of EL students have had an opportunity to vote
4. Has had the opportunity to elect at least one member of the district advisory committee (DELAC) or participated in a proportionate regional representation scheme where there are 31 or more ELAC in the district
5. Has received training materials and training appropriate to assist parent members in carrying out their responsibilities

Regulation Revised: June 26, 2017

**Instruction**

**Education For English Language Learners**

PARENTAL EXCEPTION WAIVER

EDUCATION CODE 311(a): Children who know English

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

My child possesses good English language skills and for that reason I request a waiver of the school's Sheltered/Structured English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**For School Use Only:**

Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Instruction**

**Education For English Language Learners (continued)**

Exhibit 3

PARENTAL EXCEPTION WAIVER  
EDUCATION CODE 311(c): Children with Special Needs

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Check all that apply and provide a brief statement)

- Educational Needs
- Physical Needs
- Emotional/Psychological Needs

Therefore, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have personally visited the school to apply for this waiver.

I understand that my child must be placed in an English language classroom for 30 calendar days and that this waiver will be considered by the Superintendent pursuant to Board-established guidelines.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**For School Use Only:**

Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

**Instruction**

**Education For English Language Learners (continued)**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Exhibit Revised: June 26, 2017

**Instruction**

**Education for English Language Learners**

PARENTAL EXCEPTION WAIVER

EDUCATION CODE 311(a): Children who know English

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

My child possesses good English language skills and for that reason I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

For School Use Only:

Child's English standardized test scores: Scores must be at or above the state average for the child's grade level or above the 5th grade average:

\_\_\_\_\_

Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Instruction**

**Education for English Language Learners (continued)**

Exhibit 3

**PARENTAL EXCEPTION WAIVER  
EDUCATION CODE 311(c): Children with Special Needs**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Language Designation: \_\_\_\_\_

I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Check all that apply and provide a brief statement)

Educational Needs  Physical Needs  Emotional/Psychological Needs

\_\_\_\_\_  
\_\_\_\_\_

Therefore, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have personally visited the school to apply for this waiver.

I understand that my child must be placed in an English language classroom for 30 calendar days and that this waiver will be considered by the Superintendent pursuant to Board-established guidelines.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Instruction**

**Education for English Language Learners (continued)**

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

For School Use Only:

Waiver Granted/Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## **Instruction**

### **Summer School**

The Board of Trustees recognizes that summer school provides valuable opportunities for students to improve their skills and make academic progress. When the need is demonstrated and funds are available, the Superintendent or designee, with Board approval, shall establish summer school classes for purposes of remediation for students who are at-risk of retention or educationally disadvantaged. Educationally disadvantaged is defined as not meeting grade-level standards; scoring at the Basic, Below Basic, or Far-Below Basic level on the STAR tests; and/or failing a majority of classroom subjects.

The district's summer school program may be used to provide supplemental instruction for students failing to meet academic requirements. (Education Code 423, 37252, 37252.2, 37252.8, 37253, 53029, 53093; 5 CCR 11472)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6179 - Supplemental Instruction)

### **Attendance**

Because summer courses cover extensive instructional content in a relatively short time period, consistent class attendance is crucial.

Students who have more than three excused absences or one unexcused absence may not receive credit for their summer session class(es) unless they make-up missed work in accordance with law, Board policy and administrative regulation.

(cf. 5113 - Absences and Excuses)

(cf. 6154 - Homework/Make-Up Work)

### **Rotation of School Sites**

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to equalize long-term facility and maintenance needs.

### **Legal Reference:**

#### **EDUCATION CODE**

420-428 Intensive English language and literacy instruction, summer school

37252-37253.5 Supplemental instructional programs

41976.5 Summer school programs, substantially disabled persons or graduating high school seniors

**Instruction**

**Summer School**

Legal References: (continued)

42239-42239.2 Summer school apportionments

48070-48070.5 Promotion and retention

51210 Areas of study for elementary schools

51220 Areas of study for grades 7-12

51730-51732 Powers of governing boards (authorization for elementary summer school classes)

53025-53031 Intensive reading instruction, summer school

53091-53094 Intensive algebra instruction, summer school

58700-58702 Credit towards summer school apportionments for tutoring and homework assistance program

58806 Summer school apportionments

60851 Supplemental instruction toward exit examination

CODE OF REGULATIONS, TITLE 5

3043 Extended school year

11470-11472 Summer schools

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; April 20, 2009

## **Instruction**

### **Supplemental Instruction**

The Board of Trustees may provide supplemental instructional programs to motivate and support students to work toward academic proficiencies, and grade-level standards, and/or enhance critical skills. Such programs will be designed to meet the needs of at-risk and/or educationally disadvantaged students. Educationally disadvantaged students are defined as not meeting grade-level standards; scoring at the Basic, Below Basic, or Far-Below Basic level on STAR tests; and/or failing a majority of classroom subjects.

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 5113.1 - Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6164.5 - Student Study Teams)

Supplemental instructional programs may be offered outside the regular school day. Such programs may be offered during the summer, before school, after school and on Saturday. (Education Code 37252, 37252.2, 37252.8, 37253)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

The district may offer direct, systematic and intensive supplemental instruction for students in grades 2-8 who have been retained or recommended for retention pursuant to Education Code 48070.5. (Education Code 37252.2)

(cf. 5123 - Promotion/Acceleration/Retention)

Whenever a school receiving federal Title I funds fails to make adequate yearly progress, as defined by the State Board of Education, for three or more consecutive school years, supplemental educational services shall be provided outside the regular school day to eligible students from low-income families. (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)

As funding, facilities and staffing permit, supplemental instruction may be offered to:

1. Students in grades 2-6 who have been identified as being at risk of retention pursuant to Education Code 48070.5 (Education Code 37252.8)



**Instruction**

**Supplemental Instruction (continued)**

2. Students in grades 2-6 who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the Standardized Testing and Reporting Program. (Education Code 37252.8)
3. Students in grades 7-8 who are educationally disadvantaged and/or need or desire intensive opportunities to practice skills in algebra and/or pre-algebra in accordance with standards specified in Education Code 53092 (Education Code 53091-53094)

(cf. 6142.92 - Mathematics Instruction)

Legal Reference:

EDUCATION CODE

420-428 Intensive English language and literacy grants

37200-37202 School calendar

37223 Weekend classes

37252-37253.5 Supplemental instruction

42239-42239.2 Supplemental instruction, apportionments

44259 Comprehensive reading program

46100 Length of school day

48070-48070.5 Promotion and retention

51210 Courses of study, elementary schools

51220 Courses of study, secondary schools

53025-53031 Intensive reading instruction

53091-53094 Intensive algebra instruction

60640-60648 Standardized Testing and Reporting Program

60850-60856 High school exit examination

99223 Algebra Academies Professional Development Institutes

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006; April 20, 2009

## **Instruction**

### **Supplemental Instruction**

#### Eligibility Based on Retention or Academic Deficiencies

Students in grades 2-8 who have been retained or recommended for retention and who are educationally disadvantaged shall be eligible for supplemental instruction under the following circumstances: (Education Code 37252.2)

1. With parental consent, the Superintendent or designee may require a student who has been retained to participate in the supplemental instructional program.
2. For the purposes of identifying students as eligible for supplemental instruction, a student shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.

(cf. 5123 - Promotion/Acceleration/Retention)

To the extent that the district provides supplemental instruction to students in grades 2-8 who are at risk of retention, educationally disadvantaged, or have deficiencies in mathematics, reading or written expression, those students also shall be subject to the provisions set forth in items #1 and #2 above. (Education Code 37252.8)

An intensive remedial program in reading or written expression shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, work attack skills, spelling and vocabulary, explicit instruction of reading comprehension, writing, and study skills. (Education Code 37252.2, 37252.8)

(cf. 6142.91 - Reading/Language Arts Instruction)

The curriculum of the supplemental instruction program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit examination. (Education Code 60851)

(cf. 6011 - Academic Standards)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006; April 20, 2009

**Instruction**

**Opportunity School/Class/Program**

The Board of Trustees may maintain an opportunity school, class or program to assist students who are in need of special instructional services and/or in danger of becoming, insubordinate or disorderly, irregular in attendance, or habitual truants. The purpose of the opportunity school, class or program shall be to help such students resolve their problems in order to be maintained in regular classes or returned to regular classes or schools as soon as practicable.

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6181 - Alternative Schools)

(cf. 6184 - Continuation Education)

Students in grades 4 through 8 may be assigned to an opportunity school, class or program in accordance with law.

The opportunity school, class or program shall provide instruction and services designed to meet the needs of enrolled students.

(cf. 1020 - Youth Services)

(cf. 6164.5 - Student Study Teams)

Legal Reference:

EDUCATION CODE

48630-48641 Opportunity schools, classes and programs

48643-48644.5 Reimbursement for opportunity school students in grades 7-9

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

**Instruction**

**Opportunity School/Class/Program**

Before assigning a student to an opportunity school, class or program, the student and his/her parent/guardian shall be notified in writing of the intended assignment. (Education Code 48637.1)

If a student is a habitual truant, irregular in attendance, or insubordinate or disorderly while assigned to an opportunity school, class or program, the Superintendent or designee may refer the student to an administrative panel in the district. (Education Code 48638)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Home and Hospital Instruction**

A student with a temporary disability that makes school attendance impossible or inadvisable shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026. (Education Code 48206.3)

(cf. 6158 - Independent Study)

(cf. 6164.4 - Identification of Individuals for Special Education)

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

The district shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year. (Education Code 48200, 48206.3)

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

## **Instruction**

### **Home And Hospital Instruction (continued)**

#### Nondistrict Students

A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. (Education Code 48207)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital. (Education Code 48208)

Upon receiving such notification, the Superintendent or designee shall: (Education Code 48208)

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.
2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began.

Alternatively, the Superintendent or designee may enter into an agreement with the district in which the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

#### Parental Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians that: (Education Code 48208, 48980)

1. Individual instruction is available for temporarily disabled students as prescribed by Education Code 48206.3.

**Instruction**

**Home and Hospital Instruction (continued)**

2. If a student becomes temporarily disabled, it is the parent/guardian's responsibility to notify the receiving district of the student's presence in a qualifying hospital.

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

44865 Qualifications for home teachers

45031 Home teachers

48200 Minimum school day

48206.3 Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance

48206.5 Continuation of individual instruction programs for students with temp. disabilities

48207 Pupils with temporary disabilities in hospitals outside of school district; compliance with residency requirements

48208 Presence of pupils with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction

48980 Required notification of rights and availability of nutrition and individualized instruction programs

51800-51802 Employment of home teachers

CODE OF REGULATIONS, TITLE 5

421 Method of verification

423 Prolonged illness

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Instruction**

### **Evaluation of the Instructional Program**

The Board of Trustees recognizes that it is accountable to the students, parents/guardians and community for conducting a continual evaluation of the curriculum and the instructional program.

- (cf. 0500 - Accountability)
- (cf. 6000 - Concepts and Roles)
- (cf. 6010 - Goals and Objectives)
- (cf. 9000 - Role of the Board)

The Superintendent or designee shall review the effectiveness of district programs in meeting desired outcomes. He/she shall provide the Board and the community with regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. Based on these evaluations, the Board shall take appropriate actions to maintain the effectiveness of programs and, as needed, to improve the quality of education that district students receive.

- (cf. 0510 - School Accountability Report Card)
- (cf. 6011 - Academic Standards)

### **Coordinated Compliance Reviews**

The Superintendent or designee shall cooperate with the California Department of Education in the conduct of coordinated compliance reviews to ensure that all district categorical programs comply with federal and state laws and regulations. The Superintendent or designee shall notify the Board of the results of these reviews.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0420 - School Plans/Site Councils)
- (cf. 0420.1 - School-Based Program Coordination)
- (cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 6171 - Title I Programs)
- (cf. 6172 - Gifted and Talented Student Program)
- (cf. 6174 - Education for English Language Learners)
- (cf. 6175 - Migrant Education Program)
- (cf. 6178 - Vocational Education)
- (cf. 6178.1 - Work Experience Education)
- (cf. 6179 - Child Care and Development Programs)



**Instruction**

**Evaluation of the Instructional Program (continued)**

Evaluation of Consolidated Programs

The Superintendent or designee shall conduct annual evaluations to determine whether the district's consolidated programs are supportive of the core curriculum and are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend specific, measurable criteria that shall be used at each school and at the district level. These criteria shall include, but not necessarily be limited to, progress toward goals contained in the school plan and progress of the total student population and each numerically significant subgroup toward growth targets on the statewide Academic Performance Index.

The Superintendent or designee shall submit the recommended criteria for approval by the Board. Evaluations conducted for each school shall be presented annually to the Board.

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

33400-33407 Educational evaluations (by CDE)

35178.4 Notice of loss of accreditation status

44662 Evaluation and assessment guidelines

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52034 Evaluations required for School Improvement Program

54650-54659 Education Improvement Incentive Program

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; February 27, 2006;

## **Facilities**

### **Concepts And Roles**

The Board of Trustees recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program.

(cf. 9000 - Role of the Board (Powers and Responsibilities))

The Superintendent or designee shall keep the Board informed of the status of all district facilities and, when necessary, make recommendations to the Board. The Board may:

1. Approve additions or major alterations to existing buildings

(cf. 7111 - Evaluating Existing Buildings)

2. Determine what new buildings shall be built, when and where, and what equipment shall be purchased for them
3. Determine the method of financing that will be used

(cf. 7210 - Facilities Financing)

4. Select and purchase school sites for future expansion

(cf. 7150 - Site Selection and Development)

5. Approve the selection of architects and structural engineers

(cf. 7140 - Architectural and Engineering Services)

6. Award contracts for design and renovations

7. Name schools and individual buildings

(cf. 7310 - Naming of Facility)

8. Advocate school facility needs to the community

(cf. 7110 - Facilities Master Plan)

(cf. 7131 - Relations with Local Agencies)

## **Facilities**

### **Concepts And Roles (continued)**

The Superintendent or designee shall:

1. Assess the district's short- and long-term facility needs
2. Direct the renovation and updating of the facilities
3. Oversee the preparation of bids and award of contracts

(cf. 3311 - Bids)

4. Supervise the implementation of the district's facilities program in accordance with the Board policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and/or modernization of existing facilities
5. Represent the district in official governmental interactions related to the building program

Legal Reference:

#### **EDUCATION CODE**

17210-17224 General provisions (school sites)

17260-17268 Plans of schoolhouses

17280-17317 Approval of plans and supervision of construction

17340-17343 Building of schoolhouses

17350-17360 Factory-built school buildings

17365-17374 Fitness of buildings for occupancy; liability of board members

17400-17429 Leasing of school buildings

#### **CODE OF REGULATIONS, TITLE 5**

14001 Minimum standards

14010 Procedure for site acquisition

14030 Preliminary procedure, planning and approval of school facilities

14031-14032 Submissions to bureau of school facilities planning; approval

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Evaluating Existing Buildings**

The Superintendent or designee shall periodically evaluate the adequacy and design of existing district facilities to determine whether they meet the needs of the instructional program, provide a healthful and pleasing environment for students and staff, and fulfill legal requirements for safety and structural soundness.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3511 - Energy and Water Conservation)  
(cf. 3514 - Environmental Safety)  
(cf. 7110 - Facilities Master Plan)

In the event that the Department of General Services or any licensed structural engineer or licensed architect finds and reports that a district building is unsafe for use, the Superintendent or designee shall immediately obtain an estimate of the cost of repairs or reconstruction necessary to bring the building up to legal standards for structural safety. The Board shall establish a system of priorities for the repair, reconstruction or replacement of unsafe school buildings. (Education Code 17367)

### **Energy Efficiency**

When evaluating existing buildings, the Superintendent or designee shall arrange for the preaudit and postaudit of school buildings by utility companies or independent energy audit firms to the extent that these services are available. Information provided by these services shall be used to determine the cost of retrofitting the buildings and the savings which may result from adding insulation, making design modifications or using other energy-conserving devices. The district may contract with qualified businesses capable of retrofitting these buildings and may borrow funds which do not exceed the amount of energy savings to be accumulated from the improvement of the buildings. (Education Code 17651-17653)

### **Report of Existing Building Capacity**

If the district wishes to participate in the state new construction program, the district shall submit a one-time report of existing school capacity to the State Allocation Board. The district's, or where appropriate the attendance area's, existing school capacity shall be calculated pursuant to the formulas set forth in Education Code 17071.10-17071.40 and in 2 CCR 1859-1859.106.

**Facilities**

**Evaluating Existing Buildings (continued)**

Legal Reference:

EDUCATION CODE

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998 especially:

17071.10-17071.40 Existing school building capacity

17280-17316 Building approvals

17365-17374 Fitness for occupancy

17650-17653 Retrofitting school facilities for energy conservation

GOVERNMENT CODE

53097 Compliance with city or county ordinances

53097.5 Inspection of schools by city or county

CODE OF REGULATIONS, TITLE 2

1859-1859.106 Regulations relating to the Leroy F. Greene School Facilities Act of 1998

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Relations With Local Agencies**

The Board of Trustees recognizes the importance of collaborating and communicating with other local agencies in order to provide the best possible school facilities and to allocate facility resources in an effective and efficient manner. The Board and district staff may consult and coordinate with local agencies as required by law and whenever the expertise and resources of these agencies can assist the district in the addition, renovation and construction of facilities.

Following notification by a city or county of proposed action to adopt or substantially revise a general plan, the Board may request a meeting with the local planning agency to discuss possible methods of coordinating planning, design and construction of new school facilities and school sites. (Government Code 65352.2)

The Superintendent or designee shall monitor land development proposals within district boundaries and shall ensure that an exchange of accurate information is maintained with city/county planning staff regarding the impact of land development on the district's educational programs and facility needs.

(cf. 7150 - Site Selection and Development)

Recognizing that available funds may not suffice to eliminate overcrowding in district schools caused by new development, the Board urges the city/county to adopt in its general plan or other appropriate planning documents, to the extent permitted by law, a provision which ensures that adequate school facilities will be available.

(cf. 7210 - Facilities Financing)

(cf. 7211- Developer Fees)

### **Notifications to Other Local Agencies**

The Board shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence: (Government Code 65971)

1. That conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of the educational programs, and the reason for the existence of those conditions
2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exists

## **Facilities**

### **Relations With Local Agencies (continued)**

The Board may render, by a 2/3 vote of its members, a city or county zoning ordinance inapplicable to the proposed use of property by the district, as long as the use of the property is for classroom facilities.

The Superintendent or designee shall notify the appropriate city or county planning agency of the adoption of a school facility needs analysis, the acquisition of a school site, or other action regarding school facilities in accordance with law.

(cf. 7110 - Facilities Master Plan)

#### Legal Reference:

##### EDUCATION CODE

17280-17316 Approval of plans and supervision of construction

35275 New school planning; cooperation with recreation and park authorities

##### GOVERNMENT CODE

53090-53097.5 Compliance with city or county regulations

65300-65307 Authority for and scope of general plans

65352.2 Communication between cities, counties and school districts

65850-65863.11 Adoption of regulations

65970-65981 School facilities

65995-65998 Developer fees

##### PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act of 1970

##### CODE OF REGULATIONS, TITLE 5

14010 Procedure for site acquisition

##### CODE OF REGULATIONS, TITLE 14

15000-15285 Implementation of California Environmental Quality Act of 1970

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Architectural And Engineering Services**

In order to ensure safe construction and protect the investment of public funds, the Board may require that a licensed and certified architect or structural engineer be employed to design and supervise the addition or renovation of district schools and other facilities.

The Superintendent or designee shall devise a competitive process for the selection of architects and structural engineers that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, he/she shall recommend specific architectural and engineering firms to the Board. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

#### Legal Reference:

##### EDUCATION CODE

17070.50 Conditions for apportionment

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision re school district property

17371 Limitation on liability of governing board

##### GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

14837 Definition of small business

87100 Public officials; financial interest

##### PUBLIC CONTRACT CODE

20111 School district contracts

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006



## **Facilities**

### **Architectural And Engineering Services**

The Board of Trustees shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)

(cf. 3312 - Contracts)

Contractors for any 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)

(cf. 9270 - Conflict of Interest)

The selection process may include: (Government Code 4527)

1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data
2. Discussion of alternative approaches for furnishing the services with at least three firms
3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference

Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the district. (Education Code 17316)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Site Selection And Development**

The Board of Trustees believes that a school site should serve the district's educational needs as well as show potential for contributing to other community needs whenever possible.

(cf. 7110 - Facilities Master Plan)

The Board recognizes the importance of community input in the site selection process. To this end, the Board shall provide public notice and hold public hearings in accordance with law.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9320 - Meetings and Notices)

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

(cf. 7140 - Architectural and Engineering Services)

(cf. 7210 - Facilities Financing)

Before acquiring property for a new school or an addition to an existing school site, the Board shall evaluate the property at a public hearing using state site selection standards. (Education Code 17211)

#### **Environmental Impact Investigation for the Site Selection Process**

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act whenever so required. When evaluating district projects, the CEQA guidelines shall be used.

#### **Legal Reference:**

##### **EDUCATION CODE**

17006 Definition of self-certifying district

17024 Prior written approval of CDE for selection of school site or construction of building

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17210-17224 General provisions (school sites)

**Facilities**

**Site Selection And Development (continued)**

Legal Reference: (continued)

17240-17245 New Schools Relief Act

17250.10-17250.50 Design-build contracts

17251-17253 Powers concerning buildings and building sites

17260-17268 Plans

17280-17317 Approvals

17565-17592.5 Board duties re management and control of school property

35271 Power to acquire and construct on adjacent property

35275 New school planning and design, re consultation with local recreation and park authorities

**CODE OF CIVIL PROCEDURE**

1263.710-1263.770 Remediation of hazardous substances on property to be acquired by school district

**GOVERNMENT CODE**

53094 Authority to render zoning ordinances inapplicable

65402 Acquisition or disposition of property

65995-65997 Developer fees

66455.9 Written notices of proposed public school site within development; investigation and report; conditions for acquisition

**PUBLIC RESOURCES CODE**

21000-21178 Implementation of Environmental Quality Act

**CODE OF REGULATIONS, TITLE 5**

14001-14036 Minimum standards

**CODE OF REGULATIONS, TITLE 14**

15000-15209 Review and evaluation of EIRs and negative declarations

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Site Selection And Development**

As part of the district's site selection process, the Superintendent or designee may:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)

(cf. 7131 - Relations with Local Agencies)

2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)
3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage. (Education Code 17212-17212.5)
4. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14012.
5. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law. (Public Resources Code 21000-21178)

In the selection and development of projects funded pursuant to Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

The Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)

## **Facilities**

### **Facilities Financing**

When it is determined that school facilities must be built or expanded, the Board of Trustees shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs.

(cf. 7110 - Facilities Master Plan)

These funding alternatives may include, but not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998

(cf. 7211- Developer Fees)

2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act

(cf. 7212 - Mello-Roos Districts)

3. Forming a school facilities improvement district pursuant to Education Code 15300-15425

(cf. 7213 - School Facilities Improvement Districts)

4. Issuing voter-approved general obligation bonds
5. Imposing a qualified parcel tax pursuant to Government Code 50079
6. Using lease revenues for capital outlay purposes from surplus school property

**Facilities**

**Facilities Financing (continued)**

Legal Reference:

EDUCATION CODE

15100-17059.2 School bonds, especially:

15122.5 Ballot statement

15300-15425 School facilities improvement districts

17000-17059.2 State School Building Lease-Purchase Law of 1976

17060-17066 Joint venture school facilities construction projects

17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998

17085-17095 State Relocatable Classroom Law of 1979

17582 District deferred maintenance fund

17620-17626 Levies against development projects by school districts

17621 Procedures for levying fees

GOVERNMENT CODE

6061 One time notice

6066 Two weeks' notice

50075-50077 Voter-approved special taxes

50079 School districts; qualified special taxes

53175-53187 Integrated Financing District Act

53311-53368.3 Mello-Roos Community Facilities Act of 1982

53753 Assessment notice and hearing requirements

53753.5 Exemptions

54954.1 Mailed notice to property owners

54954.6 New or increased tax or assessment; public meetings and hearings; notice

65864-65867 Development agreements

65970-65980.1 School facilities development project

65995-65998 Payment of fees against a development project

66000-66008 Fees for development projects

66016-66018.5 Development project fees

66020-66025 Protests and audits

HEALTH AND SAFETY CODE

33445.5 Overcrowding of schools resulting from redevelopment

33446 School construction by redevelopment agency

CALIFORNIA CONSTITUTION

Article 13D, Sections 1-6 Assessment and property related fee reform

UNCODIFIED STATUTES

17696-17696.98 Greene-Hughes School Building Lease-Purchase Bond Law of 1986

CODE OF REGULATIONS, TITLE 2

1859-1859.106 School facility program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Developer Fees**

In order to finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Governing Board may establish, levy and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law and administrative regulation.

#### Appeals Process for Protests by Developers

The Superintendent or designee may establish an appeals process for the handling of protests by developers. (Education Code 17621)

#### Legal Reference:

##### EDUCATION CODE

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17582 District deferred maintenance fund

17620-17626 Levies against development projects by school districts

##### GOVERNMENT CODE

6061 One time notice

6066 Two weeks' notice

65864-65869.5 Development agreements

65995-65998 Payment of fees against a development project

66000-66008 Fees for development projects

66016-66018.5 Development project fees

66020-66025 Protests and audits

##### CODE OF REGULATIONS, TITLE 2

1859-1859.106 School facility program

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Developer Fees**

#### Level 1 Funding: Residential, Commercial and Industrial Construction

Before taking action to establish, increase or impose developer fees, the Governing Board shall conduct a fee justification study. (Government Code 66001)

#### Level 1 Funding: Notice and Hearing Requirements

Before levying developer fees or prior to increasing an existing fee, the Board shall schedule a public hearing. The Superintendent or designee shall mail notice of the time and place of the meeting, including a general explanation of the matter to be considered and a statement that the required data are available, at least 14 days prior to the meeting to any interested party who has requested such information. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed.

Renewal requests for mailed notices shall be filed on or before April 1 of each year. The district may charge a fee reasonably related to the cost of providing these materials. (Government Code 66016)

Information on the anticipated amount of fees, other available funds and funding sources, and the estimated cost of planning, land acquisition and school construction shall be made available to the public at least 10 days before the hearing. (Government Code 66016)

At the hearing, the Board shall adopt a resolution for the levying of the developer fees. (Government Code 66016) The resolution shall set forth:

1. The purpose of the fee and the public improvement(s) that the fee will be used to finance (Government Code 66006)
2. The Board's findings of reasonable relationship which justify the fees pursuant to Government Code 66001
3. The district's determination of either of the following conditions which allow collection of the fees at the time when building permits are issued: (Government Code 66007)
  - a. That the fees are to reimburse the district for previous expenditures



**Facilities**

**Developer Fees (continued)**

- b. That the fees shall be collected for public improvements or facilities for which an account has been established, funds have been appropriated and the district has adopted a proposed construction schedule or plan

Level 2 Funding: Residential Construction

In order to impose residential construction fees within the limits of Government Code 65995.5, the Board shall: (Government Code 65995.5)

1. Make a timely application to the State Allocation Board for new construction funding for which it is eligible
2. Conduct and adopt a school facility needs analysis pursuant to Government Code 65995.6
3. Satisfy at least two of the requirements set forth in Government Code 65995.5(b)(3)(A-D) (Government Code 65995.5)

Level 2 Funding: Notice and Hearing Requirements

At least 45 days prior to completion of the school facility needs analysis, the Board shall notify and provide copies of the analysis to the planning commission or agency of the city or county with land use jurisdiction within the district. Upon request of either party, the Board and city or county shall meet within 15 days following notification. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

The Board shall adopt the school facility needs analysis by resolution at a public hearing. (Government Code 65995.6)

This analysis may not be adopted until the analysis, in its final form, has been made available to the public for a period of not less than 30 days. Prior to its adoption, the public shall have the opportunity to review and comment on the analysis and the Board shall respond to written comments it receives regarding the analysis. (Government Code 65995.6)

During the period of public review, the analysis shall be provided to the local agency responsible for land use planning for its review and comment. (Government Code 65995.6)

## **Facilities**

### **Developer Fees (continued)**

No less than 30 days prior to the hearing, notice of the time and place of the hearing, including the location and procedure for viewing or requesting a copy of the proposed analysis, shall be published in at least one newspaper of general circulation within the jurisdiction of the district. If there is no paper of general circulation, the notice shall be posted in at least three conspicuous places within the district's jurisdiction not less than 30 days prior to the hearing. (Government Code 65995.6)

In addition, the Superintendent or designee shall mail a copy of the needs analysis not less than 30 days prior to the hearing to any person who has made a written request if the written request was made 45 days prior to the hearing. The district may charge a fee reasonably related to the cost of providing these materials. (Government Code 65995.6)

The school facility needs analysis may be revised at any time. The revision is subject to the same conditions and requirements applicable to the adoption of the analysis. The existing school building capacity shall be recalculated as part of any revision to the needs analysis. (Government Code 65995.6)

The fees authorized by Government Code 65995.6 and Government Code 65995.7 shall be adopted by resolution as part of the adoption or revision of the school facilities needs analysis. The fees shall take effect immediately upon adoption of the resolution and may not be effective for more than one year. (Government Code 65995.6)

#### **Level 3 Funding: Residential Construction**

When Level 3 fees are authorized by law and the district qualifies for Level 2 funding pursuant to Government Code 65995.5, the Board may assess a fee on residential construction pursuant to the requirements of Government Code 65995.7.

#### **Level 3 Funding: Notice and Hearing Requirements**

Pursuant to Government Code 65995.7, the notice and hearing requirements, resolution requirement, and term of effectiveness for Level 3 funding shall be the same as the requirements for Level 2 funding as specified above.

#### **All Developer Funding Fees: Additional Requirements**

The district shall send a copy of any resolution adopting or increasing developer fees to the city and county, accompanied by all relevant supporting documentation and a map indicating the boundaries of the area subject to the fee. (Education Code 17621)

## **Facilities**

### **Developer Fees (continued)**

In cooperation with local governmental agencies issuing building permits, the Superintendent or designee shall establish a means by which all of the following shall be accomplished:

1. The project applicant shall receive a written statement of the amount of the fees and notification that the 90-day approval period during which the applicant may protest has begun. (Government Code 66020)
2. The Superintendent or designee shall receive and retain acknowledgment that the above notification was received.
3. Before a permit is issued and upon the payment of the applicable fee or requirement, the Board shall immediately certify that the fee has been paid or that the district has determined that the fee does not apply to the development project. (Education Code 17620)

Developer fees shall be deposited, invested, accounted for and expended pursuant to Government Code 66006. Developer fees shall be deposited in a separate capital facilities account, except for temporary investments allowed by law, and shall be used only for the purpose for which they were collected. Interest income earned by the capital facilities account shall also be deposited in that account and used only for the purpose for which the fee was originally collected. (Government Code 66006)

### **Appeals Process for Protests by Developers**

Developers of residential, commercial and industrial projects who claim that the developer fee has been inappropriately levied shall use the following procedures: (Government Code 66020)

1. The developer shall tender any required payment in full or provide satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.
2. The developer shall serve written notice to the Board. This notice shall include:
  - a. A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest

**Facilities**

**Developer Fees (continued)**

- b. A statement informing the Board of the factual elements of the dispute and the legal theory forming the basis for the protest
3. The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees.

At the time of the imposition of the fee, the Superintendent or designee shall provide each project applicant written notice that the 90-day period in which the applicant may initiate a protest has begun. The developer may file an action to attack, review, set aside, void or annul the imposition of the fees imposed on the development project within 180 days of delivery of the notice. (Government Code 66020)

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **School Facilities Improvement Districts**

The district may form a school facilities improvement district to finance any or all of the improvements set forth in Education Code 15302

(cf. 7212 - Mello-Roos Districts)

As part of the determination that it is necessary and in the best interest of the district to form a school facilities improvement district to finance any or all of the improvements set forth in Education Code 15302, the Board shall find that the overall cost of financing the bonds issued would be less than the overall cost of other school financing options available to the district including, but not limited to, issuing bonds pursuant to the Mello-Roos Community Facilities Act. (Education Code 15301)

The Board shall also define the boundaries of the school facilities improvement district to include any portion of territory within the jurisdiction of the school district. However, these boundaries may not include all or a portion of the territory of the community facilities district formed pursuant to the Mello-Roos Community Act. (Education Code 15301)

Legal Reference:

EDUCATION CODE

15300-15425 School facilities improvement districts

GOVERNMENT CODE

6061 One time notice

6066 Two weeks' notice

50075-50077 Voter-approved special taxes

50079 School districts; qualified special taxes

53175-53187 Integrated Financing District Act

53753 Assessment notice and hearing requirements

53753.5 Exemptions

54954.1 Mailed notice to property owners

54954.6 New or increased tax or assessment; public meetings and hearings; notice

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005

## **Facilities**

### **School Facilities Improvement Districts**

Upon determining that a school facilities improvement district is necessary, the Governing Board shall adopt a resolution of intention that states all of the following: (Education Code 15320)

1. The Board's intention to form the proposed school facilities improvement district
2. The purpose for which the proposed district is to be formed, consistent with the requirements of Education Code 15302
3. The estimated cost of the school facilities improvement project
4. That any taxes levied for financing general obligation bonds issued to finance the project shall be levied exclusively upon the lands in the proposed school facilities improvement district
5. That a map showing the exterior boundaries of the proposed district is on file with the Board and available for public inspection, and that these boundaries meet the requirements of Education Code 15301
6. The time and place for a Board hearing on the formation of the proposed district
7. That any interested persons, including all persons owning lands in the district or in the proposed school facilities improvement district, may appear and be heard at the above hearing

Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6066, starting at least 14 days before the hearing. The resolution shall also be posted in three public places within the proposed school facilities improvement district for at least 14 days before the hearing. (Education Code 15321)

The Board shall hold the above hearing as specified in its resolution and may, at the hearing, adopt a resolution proposing modifications of its above-stated purposes consistent with Education Code 15302. A resolution proposing modification shall describe the proposed modifications, state any change in the estimated cost of carrying out the purpose, and fix a time and place for a related Board hearing. (Education Code 15322, 15323)

**Facilities**

**School Facilities Improvement Districts (continued)**

At least 14 days before the hearing to consider its resolution proposing modification, the Board shall publish the resolution one time in the same newspaper in which the resolution of intention was published. (Education Code 15324)

When hearings are concluded, the Board may, by resolution, order the formation of a school facilities improvement district. The resolution shall state the estimated cost of carrying out described purposes and shall number and designate the improvement district as specified in Education Code 15326. (Education Code 15326)

The Superintendent or designee shall establish procedures consistent with Education Code 15330-15425 governing the financing of bonds, bond elections and the issuance and sale of bonds.

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **General Obligation Bonds**

The Governing Board desires to provide adequate facilities in order to enhance curriculum and to help the district achieve its vision for educating district students. To that end, the Board may order an election on the question of whether bonds shall be issued for school facilities when in the Board's judgment it is advisable and in the best interest of district students.

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

The Board shall determine the appropriate size of the bond in accordance with law.

#### **Bonds Requiring 55% Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 55% majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agree to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55% majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a regularly scheduled local election or a statewide special election. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities or the acquisition or lease of real property for school facilities. (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified above and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction and information technology needs in developing that list

(cf. 0440 - District Technology Plan)



**Facilities**

**General Obligation Bonds (continued)**

(cf. 0450 - Comprehensive Safety Plan)

(cf. 6151 - Class Size)

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

**Bonds Requiring 66.67% Approval by Local Voters**

Bonds shall be sold for the purpose of raising money for the following purposes:  
(Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making of alterations or additions to school building(s) other than as may be necessary for current maintenance, operation or repairs
4. Repairing, restoring or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity
5. Supplying of school buildings and grounds with furniture, equipment or necessary apparatus of a permanent nature
6. Permanent improvement of school grounds
7. Refunding of any outstanding valid indebtedness of the district, evidenced by bonds or of state school building aid loans
8. Carrying out of sewer or drain projects or purposes authorized in Education Code 17577
9. Purchase of school buses with a useful life of at least 20 years

**Facilities**

**General Obligation Bonds (continued)**

10. Demolition or razing of any school building with the intent to replace it with another school building, whether in the same location or in any other location
11. Any other purpose allowed by law and authorized by the Board.

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

Legal Reference:

EDUCATION CODE

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

47614 Charter school facilities

ELECTIONS CODE

324 General election

328 Local election

341 Primary election

348 Regular election

356 Special election

357 Statewide election

1302 School district election

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

53580-53595.55 Bonds

CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **General Obligation Bonds**

#### Election Notice

The Superintendent or designee shall ensure that election notice and ballot requirements are satisfied in accordance with law.

#### Certification of Results

If it appears that the appropriate majority of the voters are in favor of issuing the bonds, the Governing Board shall cause an entry of that fact in the minutes. The Board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district all proceedings had in the premises. (Education Code 15124, 15274)

#### Resolution Requesting Sale of Bonds

Following passage of the bond measure, the Board shall pass a resolution to the county board of supervisors to issue the sale of the bonds in accordance with law. (Education Code 15140)

#### Citizens Oversight Committee

If a district general obligation bond requiring a 55% majority is approved by the voters, the Board shall appoint an independent citizens advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enter the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The citizens oversight committee shall consist of at least seven members including but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a child enrolled in the district
5. One member who is a parent/guardian of a child enrolled in the district and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

## **Facilities**

### **General Obligation Bonds (continued)**

(cf. 0420 - School Plans/Site Councils)

(cf. 1230 - School-Connected Organizations)

No employee, official, vendor, contractor or consultant of the district shall be appointed to the citizens oversight committee. (Education Code 15282)

Members of the citizens oversight committee shall serve for a term of two years without compensation and for no more than two consecutive terms. (Education Code 15282)

The purpose of the citizens oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries and other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance audit required by Article 13A, Section 1(b)(3)(C) of the California Constitution
2. Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section 1(b)(3)(D) of the California Constitution
3. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements Article 13(A), Section 1(b)(3) of the California Constitution
4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code 17584.1

## Facilities

### General Obligation Bonds (continued)

5. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:
  - a. Mechanisms designed to reduce the costs of professional fees
  - b. Mechanisms designed to reduce the costs of site preparation
  - c. Recommendations regarding the joint use of core facilities
  - d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
  - e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

The Board shall, without expending bond funds, provide the citizens oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

All oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. (Education Code 15280)

(cf. 9320 - Meetings and Notices)

The oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's Internet web site. (Education Code 15280)

(cf. 1340 - Access to District Records)

(cf. 9324 - Minutes and Recordings)

Members of the oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098. (Education Code 15282)

**Facilities**

**General Obligation Bonds (continued)**

Reports

Within 30 days after the end of each fiscal year, the Board shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; March 13, 2006

## **Facilities**

### **Naming of Facility**

The Board of Trustees may name or rename schools or individual buildings in recognition of:

1. Individuals, living or deceased, who have made outstanding contributions to the district, county or community
2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance
3. The geographic area in which the school or building is located

The renaming of existing schools or major facilities may occur at any time with the approval of the Board.

### **Memorials**

Upon request, the Board may consider naming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members who have been deceased for at least one year.

### **Legal Reference:**

EDUCATION CODE

35160 Authority of governing boards

Regulation Approved: March 23, 1987

Regulation Revised: September 26, 2005; March 13, 2006

## **Board Bylaws**

### **Role of the Board (Powers and Responsibilities)**

The Board of Trustees is elected by the community to provide leadership and citizen oversight of the district's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Setting a direction for the district
2. Providing a basic organizational structure for the district by establishing policies
3. Ensuring accountability
4. Providing community leadership on behalf of the district and public education

(cf. 9005 - Governance Standards)

(cf. 9200 - Members)

(cf. 9400 - Board Self-Evaluation)

To fulfill these basic responsibilities, the Board shall or may:

1. Whenever necessary, involve the community, parents/guardians, students and staff in developing a common vision for the district focused on learning and achievement.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

2. Adopt, evaluate and update policies consistent with the law and the district's vision and goals

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

3. Maintain accountability for student learning by adopting the district curriculum and monitoring student progress

(cf. 0500 - Accountability)

(cf. 6010 - Goals and Objectives)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements)



**Board Bylaws**

**Role of the Board (Powers and Responsibilities) (continued)**

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.5 - Student Assessment)

(cf. 6162.52 - High School Exit Examination)

(cf. 6190 - Evaluation of the Instructional Program)

4. Hire and support the Superintendent so that the vision, goals and policies of the district can be implemented

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 2121 - Superintendent's Contract)

5. Conduct timely evaluations of the Superintendent based on the vision, goals and performance of the district, and ensure that the Superintendent holds district personnel accountable

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4000 - Concepts and Roles)

(cf. 4111 - Recruitment and Selection)

(cf. 4115 - Evaluation/Supervision)

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4211 - Recruitment and Selection)

(cf. 4215 - Evaluation/Supervision)

(cf. 4311 - Recruitment and Selection)

(cf. 4315 - Evaluation/Supervision)

6. Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal solvency of the district

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

(cf. 3312 - Contracts)

(cf. 3460 - Financial Reports and Accountability)

7. Ensure that a safe and appropriate educational environment is provided to all students

**Board Bylaws**

**Role of the Board (Powers and Responsibilities) (continued)**

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 7110 - Facilities Master Plan)

(cf. 7150 - Site Selection and Development)

(cf. 7210 - Facilities Financing)

8. Establish a framework for the district's collective bargaining process and adopt responsible agreements

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

9. Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels

(cf. 0510 - School Accountability Report Card)

(cf. 1020 - Youth Services)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1160 - Political Processes)

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

(cf. 1700 - Relations between Private Industry and the Schools)

(cf. 9010 - Public Statements)

10. Convene as a judicial and appeals body and serve as the final decision-maker in accordance with law, Board policies and negotiated agreements

(cf. 1312 - Complaints Concerning the Schools)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4117.3 - Personnel Reduction)

(cf. 4117.4 - Dismissal)

(cf. 4144/4244/4344 - Complaints)

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

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

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

## **Board Bylaws**

### **Role of the Board (Powers and Responsibilities) (continued)**

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

#### Legal Reference:

##### EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Governance Standards**

The Board of Trustees believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2110 - Superintendent Responsibilities and Duties)

## **Board Bylaws**

### **Governance Standards (continued)**

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Members)

Board members also shall endeavor to build unity and create a positive organizational culture. To operate effectively, the Board should have a unity of purpose and endeavor to:

1. Keep the district focused on learning and achievement for all students

2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity

4. Govern in a dignified and professional manner, treating everyone with civility and respect

5. Govern within Board-adopted policies and procedures

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

6. Take collective responsibility for the Board's performance

7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

#### Legal Reference:

##### EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

**Board Bylaws**

**Governance Standards (continued)**

Legal Reference: (continued)

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Public Statements**

The Board of Trustees recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.

When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members should identify personal viewpoints as such and not as the viewpoint of the Board.

All public statements authorized to be made on behalf of the Board should be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9200 - Members Limits of Authority)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

GOVERNMENT CODE

54960 Actions to stop or prevent violation of meeting provisions

Bylaw Adopted: March 23, 1987

## **Board Bylaws**

### **Disclosure of Confidential/Privileged Information**

The Board of Trustees recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

(cf. 9000 - Role of the Board)  
(cf. 9005 - Governance Standards)  
(cf. 9010 - Public Statements)

#### Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session. (Government Code 54963)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Disclosing information that is not confidential

#### Other Disclosures

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)



## **Board Bylaws**

### **Disclosure of Confidential/Privileged Information**

(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 5125 - Student Records)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

#### Legal Reference:

##### EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35146 Closed session

##### EVIDENCE CODE

1040 Privilege for official information

##### GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54963 Confidential information in closed session

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Organization**

#### Annual Organizational Meeting

The Governing Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a Board calendar for the year.
6. Designate Board representatives.

(cf. 9140 - Board Representatives)

(cf. 9320 - Meetings and Notices)

(cf. 9224 - Oath or Affirmation)

#### Legal Reference:

EDUCATION CODE

5017 Term of office

35143 Annual organizational meeting date, and notice

35145 Public meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Terms of Office**

The Board of Trustees shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each even-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

(cf. 9220 - Governing Board Elections)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

#### Legal Reference:

##### EDUCATION CODE

5000-5033 Election of school district board members

35010 Control of district

35012 Board members; number, election and terms

35107 Eligibility

##### GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **President**

The Board of Trustees shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

(cf. 9000 - Role of the Board)  
(cf. 9005 - Governance Standards)  
(cf. 9100 - Organization)

The president shall preside at all Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on issues of parliamentary procedure
8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

(cf. 9323 - Meeting Conduct)

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board
2. Consulting with the Superintendent or designee on the preparation of the Board's agendas

**Board Bylaws**

**President (continued)**

(cf. 9322 - Agenda/Meeting Materials)

3. Working with the Superintendent to ensure that Board members have necessary materials and information
4. Subject to Board approval, appointing and dissolving all committees

(cf. 9130 - Board Committees)

5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

6. Representing the district as governance spokesperson, in conjunction with the Superintendent

(cf. 1112 - Media Relations)

The president shall have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.

(cf. 9123 - Clerk)

When the president resigns or is absent or disabled, the vice president shall perform the president's duties. When both the president and vice president are absent or disabled, the clerk shall perform the president's duties.

Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Secretary**

The Board of Trustees shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute and maintain the Board agenda  
  
(cf. 9322 - Agenda/Meeting Materials)
2. Record, distribute and maintain the Board minutes  
  
(cf. 9324 - Minutes and Recordings)
3. Maintain Board records and documents
4. Conduct official correspondence for the Board
5. As directed by the Board, sign and execute official papers
6. Perform other duties as assigned by the Board

(cf. 2111 - Superintendent Governance Standards)

#### Legal Reference:

##### EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

##### GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Clerk**

At the annual organizational meeting, the Governing Board shall elect a clerk from its own membership. (Education Code 35143)

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign the minutes of Board meetings following their approval

(cf. 9324 - Minutes and Recordings)

4. Sign documents on behalf of the district as directed by the Board

(cf. 9121 - President)

5. Perform any other duties assigned by the Board

#### Legal Reference:

##### EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)  
35038 Appointment of clerk by county superintendent of schools  
35039 Dismissal of clerk  
35121 Appointment of clerk in certain city and high school districts  
35143 Annual organizational meetings  
35250 Duty to keep certain records and reports  
38113 Duty of clerk (re provision of school supplies)

##### GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Attorney**

The Board of Trustees recognizes the complex legal environment in which school districts operate and requires reliable, dependable legal advice. The Board also supports collaborative legal efforts with other agencies and districts in order to promote the district's interests.

(cf. 1160 - Political Processes)

The Board may use the county counsel, district attorney, or private attorneys to meet the needs of the district.

The district's legal counsel may:

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.
5. Act as the Board's Representative and consultant to the Superintendent on employee-employer negotiations and relations

The Superintendent may confer with the district's legal counsel at his/her discretion and shall provide the Board with desired legal information when so directed by a majority of the Board. The Board also may authorize a specific member to confer with legal counsel on behalf of the Board.

(cf. 9000 - Role of the Board (Powers and Responsibilities)

(cf. 9200 - Members (Limits of Authority))

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35041 Administrative adviser

35041.5 Legal counsel: Relieving duties of county counsel and district attorney



**Board Bylaws**

**Attorney (continued)**

Legal Reference: (continued)

35204 Contract with attorney in private practice

35205 Contract for legal services

GOVERNMENT CODE

814-895.8 Liability of public entities and public employees

995-996.6 Defense of public employees

26520 Legal services to school districts

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Board Committees**

The Board of Trustees may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee may be dissolved.

(cf. 1220 - Citizen Advisory Committees)

Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.

Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to Government Code 54954.2, shall be considered, for purposes of the Brown Act, as regular meetings of the Board. (Government Code 54954)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952)

Standing committees with a continuing subject matter jurisdiction include but are not limited to those responsible for providing advice on budgets, audits, contracts and personnel matters at the Board's request.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community and students and may consult with local public boards and agencies.

**Board Bylaws**

**Board Committees (continued)**

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Board Representatives**

#### Labor Relations Negotiators

The Board of Trustees will designate a chief negotiator to represent it in negotiations with employee organizations. The Board does not intend to negotiate with any employee organization directly. The chief negotiator may be an employee of the district or an expert consult in the field of negotiations.

#### Real Property Consultant

The Board of Trustees may designate a consultant for the purposes of dealing with matters relating to its real property.

#### County Committee on School District Organization

The Board of Trustees shall, at its annual organizational meeting, appoint one of its members as its representative to the County Committee on School District Organization. The Secretary shall furnish the County Superintendent of Schools with a certificate naming the representative selected by the Board. (Education Code 35023)

- (cf. 9270 - Conflict of Interest)
- (cf. 9320 - Meetings and Notices)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 9010 - Public Statements)
- (cf. 9130 - Board Committees)
- (cf. 9100 - Organization)

#### Legal Reference:

##### EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

##### GOVERNMENT CODE

54952.2 Meetings

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Members Limits of Authority**

#### Limits of Board Members Authority

The Board of Trustees is the unit of authority over the district. It has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting.

(cf. 9000 - Role of the Board)

The Board member has no individual authority. Individually, the Board member may not commit the district to any policy, act or expenditure. The Board member cannot do business with the district served, nor should the Board member have an interest in any contract with the school district. The Board member represents and acts for the community as a whole and should not represent any factional segment of the community.

(cf. 9270 - Conflict of Interest)

Individual members of the Board, by virtue of holding office, should not exercise any administrative responsibility with respect to the schools. Individual Board members should submit requests for information to the Superintendent. At his/her discretion, the Superintendent may refer the request to the entire Board for consideration. If approved, the Superintendent or designee shall perform any necessary research associated with the request and report to the Board at a future meeting.

(cf. 1340 - Access to District Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

#### Obligations of Board Members

Board members should understand their role and the programs offered by the district. They should study all agenda materials before the meeting, participate in the discussion of items which come before the Board, vote on motions and resolutions, and abstain only when necessary.

(cf. 9240 - Board Development)

(cf. 9271 - Code of Ethics)

(cf. 9320 - Meetings and Notices)

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

## **Board Bylaws**

### **Members Limits of Authority (continued)**

(cf. 9322 - Agenda/Meeting Materials)

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws.

Legal Reference:

#### **EDUCATION CODE**

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards - esp.

35160-35184 Powers and duties

35230-35240 Corrupt practices

35291 Rules

35292 Visits to schools (Board members)

#### **GOVERNMENT CODE**

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

54959 Penalty for unlawful meetings

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Governing Board Elections**

Any person is eligible to be a Governing Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

A district employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9270 - Conflict of Interest)

When possible, Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.

(cf. 9110 - Terms of Office)

#### **Statement of Qualifications**

The district shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307. Candidates may be required to pay their pro rata share of these costs to the district in advance as specified in Elections Code 13307.

The Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)

Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

#### **Tie Votes in Board Member Elections**

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner. (Education Code 5016)

**Board Bylaws**

**Governing Board Elections (continued)**

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions (re returns, recounts, etc.)

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

ELECTIONS CODE

1302 Local elections, school district election

2201 Grounds for cancellation

2220-2226 Residency confirmation procedures

10400-10418 Consolidation of elections

10509 Notice of election by secretary

10600-10604 School district elections

13307 Candidate's statement

13309 Candidate's statement, indigency

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

81000-91013 Political Reform Act

PENAL CODE

68 Bribes

74 Acceptance of gratuity

424 Embezzlement and falsification of accounts by public officers

661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006



## **Board Bylaws**

### **Resignation**

A Board of Trustees member who wishes to resign may do so by filing a written resignation with the County Superintendent of Schools. (Education Code 5090)

A copy shall be given to the Board secretary.

The written resignation is effective when filed, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable upon being filed. (Education Code 5090)

Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation. (Education Code 35178)

(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

5090 Definition (vacancy)

5091 Special Election

35178 Resignation with deferred effective date

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Filling Vacancies**

#### Events Causing a Vacancy

A vacancy on the Governing Board may occur by a failure to elect or for any of the following events:

1. The death of an incumbent. (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term. (Government Code 1770)
3. A Board member's resignation. (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent.

4. A Board member's removal from office, including recall. (Government Code 1770; Elections Code 11384)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district. (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law. (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board.
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days.

**Board Bylaws****Filling Vacancies (continued)**

- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard.

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

- 7. A Board member's conviction of a felony or any offense involving a violation of his/her official duties. (Government Code 1770)
- 8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties. (Government Code 1770)
- 9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed. (Government Code 1770)

(cf. 9224 – Oath or Affirmation)

- 10. The decision of a competent tribunal declaring a void a Board member's election or appointment. (Government Code 1770)
- 11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond. (Government Code 1770)
- 12. A Board member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)

## **Board Bylaws**

### **Filling Vacancies (continued)**

#### Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below. (Education Code 5091)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated within the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

#### Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

The Board shall accept nominations for Board membership at a public meeting and shall select the provisional appointee from among these nominees by a majority vote.

(cf. 9323 – Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 – Governing Board Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

## **Board Bylaws**

### **Filling Vacancies (continued)**

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent or Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

#### Legal Reference:

##### EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of election

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of Board members

35178 Resignation with deferred effective date

##### ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

##### GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3060-3075 Removal other than by impeachment

6061 One time

54950-54963 The Ralph M. Brown Act

## **Board Bylaws**

### **Oath or Affirmation**

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

The oath may be administered and certified by a Board member, secretary or assistant secretary to the Board, Superintendent, deputy or assistant superintendent, principal, or County Superintendent of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

#### Legal Reference:

##### EDUCATION CODE

60 Persons authorized to administer and certify oaths

##### GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

##### CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Board Development**

Citizens elected to the Governing Board are entrusted with the responsibility of governing district schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

All Board members may attend conferences for the purpose of Board development.

(cf. 9320 - Meetings and Notices)

Funds for Board development shall be budgeted annually for each Board member.

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards;  
annual workshop

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially

54952.2 Meeting

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Remuneration, Reimbursement and Other Benefits**

#### Remuneration

Each member of the Governing Board may receive the monthly compensation as provided for in law.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code 35120)

If a member does not attend all Board meetings during the month, he/she is eligible to receive a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be paid for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty or a hardship deemed acceptable by the Board. (Education Code 35120)

#### Reimbursement of Expenses

Board members shall be reimbursed for all expenses incurred in attending any meetings or in making any trips on official business of the district. (Education Code 35044)

(cf. 9240 - Board Development)

#### Health and Welfare Benefits

Board members may participate in the health and welfare benefits program provided for district employees.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

The district shall pay the cost of all premiums required for Board members electing to participate in the district health and welfare benefits program.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated.



## **Board Bylaws**

### **Remuneration, Reimbursement and Other Benefits (continued)**

#### Benefits for Retired Board Members

Retired Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

Because the district paid for health and welfare benefits for former Board members before January 1, 1994, any former Board member may continue to participate in the district's health and welfare benefits at the district's expense so long as that member satisfies all of the following conditions: (1) he/she served in office after January 1, 1981, (2) his/her term began before January 1, 1995, and (3) he/she has served for 12 or more years. Former Board members who are eligible to receive these health and welfare benefits may receive supplemental Medicare insurance at district expense when they qualify for Medicare.

Any former member whose first term of office began on or after January 1, 1995, and any other member retiring from the Board after at least one term, may continue the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

The benefits authorized for retired Board members shall be extended at the same level to the retired Board member's spouse, dependent children under the age of 21, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated. These benefits shall cease upon the death of the Board member retiree. COBRA coverages will be available upon the cessation of benefits at no expense to the district.

#### Legal Reference:

##### EDUCATION CODE

1090 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 Reimbursement of expenses (Dept. of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

##### GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance

##### UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Legal Protection**

#### Liability Insurance

The Board of Trustees shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

(cf. 3530 - Risk Management/Insurance)

#### Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of district responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

#### Legal Reference:

##### EDUCATION CODE

17029.5 Contract funding; board liability

35208 Liability insurance

35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)

##### GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

1090-1098 Conflicts of interest, prohibitions applicable to specified officers

54950-54963 The Ralph M. Brown Act

87100-89503 Conflicts of interest

##### UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006

## **Board Bylaws**

### **Conflict of Interest**

#### Incompatible Activities

Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)

#### Conflict of Interest Code

The district's conflict of interest code shall be comprised of the terms of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

When a change in the district's conflict of interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

#### Financial Interest

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty

**Board Bylaws**

**Conflict of Interest (continued)**

2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or office-holding has existed for at least one year prior to his/her election or appointment
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

## **Board Bylaws**

### **Conflict of Interest (continued)**

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

### **Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

## **Board Bylaws**

### **Conflict of Interest (continued)**

A gift of travel; does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

#### Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering in their capacities as representatives of the district and in accordance with the law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, with 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

### **APPENDIX DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

Governing Board Members  
Superintendent of Schools

1. Person occupying the following position is designated employee in Category 1:

Assistant Superintendent of Administrative Services

Designated person in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

**Board Bylaws**

**Conflict of Interest (continued)**

- b. Investments or business positions in or income, including gifts, loans, and travel payments from sources which:
  - (1) Are engaged in the acquisition or disposal of real property within the District
  - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District
  - (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the District
- 2. Persons occupying the following positions are designated employees in Category 2:

Assistant Superintendent of Instruction  
Principal  
Director of Maintenance, Operations and Facilities  
Director of Nutrition Services  
Director of Technology  
Fiscal Services Coordinator  
Director of Special Education

Designated persons in this category must report investments or business positions or income, including gifts, loans, and travel payments from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the designated employee's department or
- b. Manufacture or sell supplies, books, machinery or equipment of the type used by the designated employee's department.

For purposes of this Conflict-of-Interest code, the Principal's school is the Principal's department.

Legal Reference:  
EDUCATION CODE  
1006 Qualifications for holding office  
35107 School district employees  
35230-35240 Corrupt practices

**Board Bylaws**

**Conflict of Interest (continued)**

35233 Prohibitions applicable to members of governing boards  
35239 Compensation for board members in districts under 70 ADA  
GOVERNMENT CODE  
1090-1098 Prohibitions applicable to specified officers  
1125-1129 Incompatible activities  
81000-91015 Political Reform Act of 1974, especially:  
82011 Code reviewing body  
82019 Definition of designated employee  
82028 Definition of gifts  
82030 Definition of income  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:  
18702.5 Public identification of a conflict of interest for Section 87200 filers

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006; January 8, 2007; October 6, 2008; October 17, 2011



**Board Bylaws**

**Policy Manual**

The Board of Trustees recognizes the importance of adopting policies that reflect the district's vision and maintaining a policy manual that is up-to-date and reflects the mandates of law.

(cf. 9000 - Role of the Board)

The Superintendent or designee shall maintain a district policy manual for the purpose of communicating to all interested stakeholders the policies, regulations and bylaws within which district schools will operate.

(cf. 9311 - Board Policies)

(cf. 9312 - Board Bylaws)

(cf. 9313 - Administrative Regulations)

The Superintendent or designee shall establish procedures for distributing to all authorized policy manual holders copies of new or revised policies, bylaws and regulations as they are adopted.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Board Policies**

Governing Board policies are written statements adopted by the Board which communicate the guidelines within which the Superintendent or designee and staff may take discretionary action.

(cf. 2210 - Administrative Leeway in Absence of Board Policy)  
(cf. 9310 - Policy Manual)

The Superintendent or designee shall present drafts or suggestions for new policy and policy revisions when changes in law occur and when specific needs arise.

The Board encourages members of the community to contribute information and opinions for the Board's consideration and to propose revisions to policy. When drafting or revising policies which affect other governmental agencies, the Board welcomes input from these agencies and will cooperate with them in addressing matters of mutual concern.

The Superintendent or designee shall provide for the continuous orderly review of existing policies at a time allocated for this purpose on the agenda of regular Board meetings.

The Board shall review certain policies annually, as required by law. (Education Code 35160.5)

(cf. 5116.1 - Intradistrict Open Enrollment)  
(cf. 6145 - Extracurricular and Cocurricular Activities)

The adoption of policy shall conform with Board bylaws governing agendas, meetings, and voting. Only those written statements adopted and recorded in the minutes shall constitute official Board policy.

Before adoption, policies shall normally be given two readings by the Board.

At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.

When policies are amended, the Superintendent or designee shall review corresponding administrative regulations to ensure that they conform to the intent of the revised policy.

(cf. 9313 - Administrative Regulations)

**Board Bylaws**

**Board Policies (continued)**

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

**Board Bylaws**

**Board Bylaws**

The Board of Trustees shall adopt Board bylaws to govern the internal operations of the Board. When the need for a new bylaw or modification of an existing bylaw is recognized, the Superintendent or designee shall draft a new or modified bylaw for consideration by the Board.

Bylaws may be adopted and amended by a majority vote of all members of the Board, following the same procedures as those used for the adoption or amendment of policy.

(cf. 9311 - Board Policies)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35163 Official actions, minutes and journal

35164 Vote requirements

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Administrative Regulations**

To carry out the intentions expressed in Governing Board policy, the Superintendent or designee shall develop administrative regulations and/or procedures specifying detailed actions to be taken and arrangements to be enforced within the district and its schools. Administrative regulations shall be consistent with state and federal law and regulations, Board policy and negotiated employee contracts.

The Board shall review and approve administrative regulations as mandated by law. In addition, the Board may review and approve other regulations related to topics of particular interest to the Board or for which the Superintendent requests Board endorsement. The Board shall review proposed administrative regulations for the sole purpose of ensuring conformity with the intent of Board policy.

(cf. 2210 - Administrative Leeway in Absence of Governing Board Policy)

Regulations and procedures shall be maintained at appropriate school and/or district locations and may be placed in the district's policy manual.

(cf. 9310 - Policy Manual)

#### **Legal Reference:**

#### **EDUCATION CODE**

35010 Control of district; prescription and enforcement of rules

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Suspension of Policies, Bylaws, Administrative Regulations**

Policies, bylaws and administrative regulations may be suspended for a specific purpose and limited time by majority vote.

(cf. 9322 Agenda/Meeting Materials)  
(cf. 9323.2 Actions by the Board)

Suspension of any policy, bylaw or administrative regulation shall undergo the following consideration:

1. Policies, bylaws or administrative regulations shall be reviewed on their own merits rather than the circumstances of the moment.
2. The Governing Board shall decide whether the policy, bylaw or administrative regulation reflects the intent of the Board and the law. If so, the suspension will be denied and the policy, bylaw or administrative regulation reaffirmed in the minutes.

### **SUPERINTENDENT'S AUTHORITY**

The Superintendent may suspend all or part of any policy, bylaw or administrative regulation when it conflicts with state or federal law or regulations. The Superintendent shall report the suspension to the Board. Suspension shall be valid until the policy, bylaw or administrative regulation is rescinded, amended or reaffirmed.

### **Administrative Leeway in Absence of Board of Trustees' Policy**

The Superintendent shall have the power to act in cases where emergency action must be taken and the Board has not provided guides for administrative action. The Board shall review the Superintendent's decision at the next regular Board meeting.

The President of the Board shall be kept informed by the Superintendent of any action taken. The President shall use his/her discretion in informing the Board before its next regular meeting.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35163 Official actions, minutes and journal

35164 Vote requirements

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Meetings and Notices**

Meetings of the Board of Trustees are conducted for the purpose of accomplishing district business.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To accommodate community involvement in the schools, meetings shall provide opportunities for comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

Meetings shall be held within district boundaries, except when otherwise allowed by law. (Government Code 54954)

#### **Regular Meetings**

The Board shall hold regular meetings on the second and fourth Mondays of each month, unless otherwise specified or on an as-needed basis.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations accessible to members of the public. (Government Code 54954.2)

If a fire, flood, earthquake or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the president or designee, who shall so inform, by the most rapid available means of communication, all news media who have requested notice of special meetings. (Government Code 54954)

#### **Special Meetings**

Special meetings of the Board may be called by the presiding officer or a majority of the Board members. (Government Code 54956)

## **Board Bylaws**

### **Meetings and Notices (continued)**

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings. (Education Code 35144; Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or after the item's consideration. (Government Code 54954.3)

#### **Emergency Meetings**

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. A work stoppage, crippling activity or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting under this section may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting



## **Board Bylaws**

### **Meetings and Notices (continued)**

as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. (Government Code 54956.5)

In the case of a dire emergency, the Board president shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### **Adjourned Meetings**

A majority vote by the Board may adjourn any meeting to a later time and place that shall be specified in the order of adjournment. (Government Code 54955)

If no Board members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of adjournment. (Government Code 54955)

#### **Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

## **Board Bylaws**

### **Meetings and Notices (continued)**

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

### Hearings

The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.

If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.

### Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school Boards
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district or at a legislative body of another local agency
4. A purely social or ceremonial occasion
5. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

## **Board Bylaws**

### **Meetings and Notices (continued)**

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

#### Legal Reference:

##### EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

##### GOVERNMENT CODE

- 54950-54957.9 Meetings, especially:
  - 54953 Meetings to be open and public; attendance
    - 54953.2 Compliance with Americans with Disabilities Act
  - 54954 Time and place of regular meetings
    - 54954.1 Mailed notices
    - 54954.2 Agenda posting requirements, board actions
    - 54954.3 Opportunity for public to speak
  - 54956 Special meetings; call; notice
    - 54956.5 Emergency meetings
  - 54957.5 Agenda distribution
- 54961 Prohibition on use of certain facilities

##### UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

##### CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications
- 36.303 Auxiliary aids and services

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### Meetings and Notices

#### Government Code 54954 Provisions Regarding Meetings Outside District Boundaries

Board meetings may be held outside district boundaries under one or more of the following circumstances: (Government Code 54954)

1. When necessary to comply with state or federal law or court order, or to attend a judicial or administrative proceeding to which the district is a party.
2. To inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property.
3. To participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law.
4. To meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district.
5. To meet with state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction.
6. To meet in or near a facility owned by the district but located outside the district, provided the meeting is limited to items directly related to that facility.
7. To visit the office of the district's attorney for a closed session on pending litigation, when doing so would reduce legal fees or costs.
8. To attend conferences on nonadversarial collective bargaining techniques.
9. To interview residents of another district regarding the Board's potential employment of that district's superintendent.
10. To interview a potential employee from another district.
11. Any other circumstance that is allowable by law and constitutes a valid reason for choice of location.

## **Board Bylaws**

### **Closed Session Purposes and Agendas**

The Board of Trustees may hold closed sessions only for purposes identified in law. The Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. (Government Code 54956.5, 54957.7, 54962)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The agenda shall contain a brief general description of all closed session items to be discussed. (Government Code 54954.2)

The Board shall list on the agenda of an open meeting the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. (Government Code 54957.7)

No agenda, notice, announcement or report required by the Brown Act need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed. (Government Code 54961)

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

### **Personnel Matters**

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee. These sessions shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

The Board may also hold closed sessions to hear complaints or charges brought against an employee by another person, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charged heard in open session if desired. The notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 – Complaints Concerning District Employees)

The Board may hold closed sessions to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to public employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)

### **Negotiations/Collective Bargaining**

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a fact finder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees. These closed sessions may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the district's designated representative. (Government Code 54957.6)

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Superintendent and/or the Board's designated representative. Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in these proceedings. (Government Code 54957.6)

Agenda items related to negotiations may specify the name of the Superintendent's or district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative.

### **Matters Related to Students**

The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action, except expulsion, against a student when a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Ed. Code 35146, 48912, 49073-49079)

## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

The Board shall meet in closed session to consider the expulsion of a student, unless the parent/guardian submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

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

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

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda may also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

### **Security Matters**

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)



## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters may specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

#### **Conference with Real Property Negotiator**

The Board may meet in closed session with the Superintendent and/or the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property by or for the district in order to grant the Superintendent and/or its negotiator the authority regarding the price and terms of the property. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations may specify the Superintendent or the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator. The agenda may also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item may specify the parcel number or another unique reference of the property. (Government Code 54954.5)

#### **Pending Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from the Superintendent and/or its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory proceeding,

## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of the Superintendent and/or legal counsel and on the existing facts and circumstances, there is a significant exposure to litigation against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in item #2 above 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 plaintiffs and which do not need to be disclosed.
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 plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.

## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

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.

The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service or process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to "pending litigation" shall be described as a conference with Superintendent and/or legal counsel regarding "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties and case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information pursuant to items #2-5 above. (Government Code 54954.5, Government Code 54956.9(b)(3)(B-E))

### **Joint Powers Agency Issues**

The Board may meet in closed session to discuss a claim against a joint powers authority or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. (Govt. Code 54956.95)

## **Board Bylaws**

### **Closed Session Purposes and Agendas (continued)**

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3320 - Claims and Actions Against the District)  
(cf. 3530 - Risk Management/Insurance)

When the board of the joint powers agency has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss and take action concerning information obtained in a closed session of the joint powers agency. During the district's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to "Conference Involving a Joint Powers Agency" shall specify the closed session description used by the joint powers agency and the name of the district representative on the joint powers agency board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included.

### **Review of Assessment Instruments**

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference: (see next page)

**Board Bylaws**

**Closed Session Purposes and Agendas (continued)**

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information

49076 Access to records by persons without written parental consent

49079 Notification to teacher re: students whose actions are grounds for suspension or expulsion

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6250-6268 California Public Records Act

54950-54963 The Ralph M. Brown Act

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Closed Session Actions and Reports**

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

### **Personnel Matters**

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4118 - Suspension/Disciplinary Action)

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

### **Negotiations/Collective Bargaining**

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

## **Board Bylaws**

### **Closed Session Actions and Reports (continued)**

#### Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232))

In an expulsion action, the student's name shall not be disclosed.

- (cf. 5117 - Interdistrict Attendance)
- (cf. 5119 - Students Expelled from Other Districts)
- (cf. 5125 - Student Records)
- (cf. 5125.3 - Challenging Student Records)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)

#### Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

#### Pending Litigation

The Board shall report the actions related to pending litigation, and the votes or abstentions thereon. (Government Code 54957.1)

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

#### JPA/Self-Insurance Claims

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

**Board Bylaws**

**Closed Session Actions and Reports (continued)**

(cf. 3320 - Claims and Actions Against the District)  
(cf. 3530 - Risk Management/Insurance)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student matters)

48918 Rules governing expulsion procedures; hearings and notice

49073-49079 Privacy of student records

60617 Meetings of governing board

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54957.1 Closed sessions; public report of action taken

54957.6 Closed sessions; representatives to employee organization(s)

54957.7 Disclosure of items to be discussed

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;



## **Board Bylaws**

### **Agenda/Meeting Materials**

Board of Trustees meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)  
(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

### **Agenda Preparation**

The Superintendent, as Secretary to the Board, in consultation with the Board president when necessary, shall prepare the agenda for each regular and special meeting.

(cf. 9121 - President)  
(cf. 9122 - Secretary)

Any Board member or any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item.

## **Board Bylaws**

### **Agenda/Meeting Materials (continued)**

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1340 - Access to District Records)

(cf. 3320 - Claims and Actions Against the District)

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

### **Consent Items**

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

### **Agenda Dissemination**

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

## **Board Bylaws**

### **Agenda/Meeting Materials (continued)**

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet may be required to pay an annual fee as determined by the Superintendent or designee.

#### Legal Reference:

##### EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

##### GOVERNMENT CODE

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

##### CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Meeting Conduct**

#### Meeting Procedures

All Board of Trustees meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority. Robert's Rules of Order, Revised may be used as a resource when appropriate.

(cf. E 9323.3 – Parliamentary Procedure)

(cf. 9121 - President)

(cf. 9320 - Meetings and Notices)

#### Quorum

A majority of the number of filled positions on the Board constitutes a quorum. (Education Code 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

#### Abstentions

The Board believes that when no conflict of interest requires abstention, its members should vote on issues before them. When a member abstains, his/her abstention shall be considered to concur with the action taken by the majority of those who vote, whether affirmatively or negatively.

(cf. 9270 - Conflict of Interest)

#### Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction.

## **Board Bylaws**

### **Meeting Conduct (continued)**

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board before the Board's consideration of the items of business to be discussed at regular or special meetings. (Education Code 35145.5, Government Code 54954.3)
2. At a time so designated on the agenda, members of the public may bring before the Board, at a regular meeting, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board. (Education Code 35145.5, Government Code 54954.2)
3. The Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)
4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard it, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. During the public comment section of the agenda, a person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 30 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard.

6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented.

## **Board Bylaws**

### **Meeting Conduct (continued)**

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 9321 - Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair to terminate the privilege of addressing the Board. The Board may remove disruptive individuals and order the room cleared if necessary. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

(cf. 9324 - Minutes and Recordings)

#### **Recording by the Public**

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph or tape record open meetings without causing a distraction.

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

#### **Legal Reference:**

##### **EDUCATION CODE**

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

**Board Bylaws**

**Meeting Conduct (continued)**

Legal Reference: (continued)

**GOVERNMENT CODE**

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Order of Business**

#### Regular Business Meeting

The Board of Trustees' business will usually be transacted in the order outlined below unless revised by the Superintendent or designee as necessary:

Call to Order

Quorum Established

Pledge of Allegiance

#### I General Functions

1. Approval of minutes.
2. Approval of agenda
3. Communications
4. Other general items
5. Approval of Consent Calendar (routine items)

#### II Business and Financial Procedures

#### IV Pupil Personnel

#### VI Curriculum-Instruction

#### VII Public Relations

#### VIII District Facilities

#### IX Transportation

#### X District Policy

#### III Certificated Personnel

#### V Classified Personnel

Closed Session

Adjournment

Bylaw Adopted: March 23, 1987



## **Board Bylaws**

### **Actions by the Board**

The Board of Trustees shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.

(cf. 9320 - Meetings and Notices)

2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

(cf. 9322 - Agenda/Meeting Materials)

The Board shall not take action by secret ballot, whether preliminary or final.  
(Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes.  
(Education Code 35145)

(cf. 9324 - Minutes and Recordings)

## **Board Bylaws**

### **Actions by the Board (continued)**

#### Challenging Board Actions

Any demand by the district attorney's office or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions
3. Government Code 54954.6, regarding new or increased tax assessments
4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

#### Legal Reference:

##### EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

**Board Bylaws**

**Actions by the Board (continued)**

Legal Reference: (continued)

- 17546 Private sale of personal property
- 17556-17561 Dedication of real property
- 17582 District deferred maintenance fund
- 17583 Deferred maintenance fund; transfer of excess local funds
- 35144 Special meeting
- 35145 Public meetings
- 35164 Majority vote of all members constituting board for board action
- 35165 Vacancies, effect on majority and unanimous vote
- 48660 Establishment of community day schools
- 48661 School site restrictions for community day schools

**GOVERNMENT CODE**

- 53094 Authority to render zoning ordinance inapplicable
- 53097 Compliance with ordinances
- 53097.3 Charter school ordinances
- 53790-53792 Exceeding the budget
- 53820-53833 Temporary borrowing
- 53850-53858 Temporary borrowing
- 54950 Meetings: declaration; intent; sovereignty
- 54952.6 Action taken, definition
- 54953 Meetings to be open and public; attendance; secret ballots
- 54953.5 Right to record proceedings; conditions
- 54954.2 Agenda posting requirements; board actions
- 54954.5 Closed session item descriptions
- 54954.6 New or increased taxes or assessments; hearings; notice
- 54956 Special meetings; call; notice
- 54956.5 Emergency meetings in emergency situations
- 54960 Action to prevent violations
- 54960.1 Challenge of governing board actions
- 54960.5 Costs and attorney fees
- 65352.2 Coordination with planning agency

**PUBLIC CONTRACT CODE**

- 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
- 20113 Emergencies, award of contracts without bids

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Actions By The Board**

#### **ACTIONS REQUIRING MORE THAN A MAJORITY VOTE**

##### Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)

(cf. 3280 - Sale, Lease and Rental of District-Owned Real Property)

2. Resolution declaring intent of Board of Trustees to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease for up to three months of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833 (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund (Education Code 17582, 17583)
8. Resolution to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

## **Board Bylaws**

### **Actions By The Board (continued)**

(cf. 7214 - General Obligation Bonds)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths Vote of the Board:

1. The expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval or air attack or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the district during the fiscal year from apportionments based on ADA for the preceding year (Government Code 53822-53824)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process when the Board determines that an emergency exists (Public Contract Code 20113)

(cf. 3311 - Bids)

## **Board Bylaws**

### **Actions By The Board (continued)**

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Parliamentary Procedures**

#### **RULES OF ADOPTION:**

**ACCEPTANCE OF MOTION:** No motion shall be made or recognized until the Chairman declares that the chair will accept motions on the subject before the Board.

**MAIN MOTION:** A main motion shall be made in substantially the following form: "I move that ...." A motion shall be made only by a Board member.

**RECOGNITION OF MOTION:** A motion is before the Board only when recognized by the Chairman. The Chairman shall recognize a motion by stating substantially the following: "The Chair recognized the motion that ....."

**OUT OF ORDER MOTION:** A motion that does not relate to the matter then before the Board or which is a main motion and is presented when another main motion is still before the Board is out-of-order and shall not be recognized.

**SECOND:** No motion can be discussed or voted on by Board members unless some Board Member other than the person making the motion has given a second to the motion.

**REVISION OF MOTION:** At any time before a vote is taken on a motion, the person making the motion may revise the wording of his/her motion. If the revision is accepted by the person who made the second to the original motion or if the motion as revised receives a second from some other Board member, the motion as revised is the motion before the Board henceforth. The revised motion shall have substantially the same purpose and effect as the original motion.

**WITHDRAWAL OF MOTION:** At any time before a vote is taken on a motion, the person who made the motion may withdraw it. No second is required for withdrawing the motion. If a motion is withdrawn, it is not before the members and no vote can be taken on it. Any other member may make the same or substantially the same motion and it shall be acted on in the same way as any other main motion.

**AMENDMENT TO MOTION:** At any time before a vote is taken on a motion, any Board member may move to amend the motion that is then before the Board. The motion shall state the amendment and shall receive a second before it shall be recognized by the Chairman. When recognized by the Chairman, the motion to amend is thereafter the business before the Board. The Chairman shall call for discussion, which shall be limited

## **Board Bylaws**

### **Parliamentary Procedures (continued)**

to the proposed amendment. If the proposed amendment receives a favorable majority, the main motion shall stand amended in accordance with the amendment and further discussion on the main motion shall be to the motion as amended.

**PROCEDURAL MOTION:** A procedural motion is a motion that proposed to take some action in relation to the manner in which the Board will consider the substance of the main motion. Such a motion may do any of the following:

1. Postpone the consideration of the main motion indefinitely or to a time certain.
2. Refer the subject of the main motion to a committee or person for study or special consideration.
3. Limit discussion or establish special rules governing the discussion on the main motion.
4. Divide the main motion into smaller units for the purposes of discussion, voting or both.

**POSTPONEMENT:** If a motion to postpone the consideration of a subject or the Consideration of a main motion is adopted, the Chairman shall place the subject or the main motion on the agenda in accordance with the terms of the motion without further action by the Members. If no time or circumstances are specified for the reinstatement of the subject or the main motion in the motion at his/her discretion without further action by the members, but no sooner than the next regular meeting.

**MOTION TO ADJOURN:** Any member may move to adjourn a meeting of the Board. If the motion receives a second, the meeting shall stand adjourned. No business can be transacted after the second is given. Any other motions before the Board at the time of adjournment shall be deemed to have been withdrawn. The Chairman shall determine whether a motion to adjourn is in order and whether it has received a second. His/her decision shall be final.

**CALL FOR THE QUESTION:** At any time during the discussion on any motion, any member may call for the question. If that call receives a second, the Chairman shall immediately end the discussion and shall call for the vote. No other business shall be conducted until the call is resolved.

**ORDER OF MOTION AND PROCEDURAL ACTIONS:** The following order in the presentation of motions and other procedural actions shall be in effect:



## **Board Bylaws**

### **Parliamentary Procedures (continued)**

1. If there is a main motion before the members, the Chairman may recognize one of the following:
  - a. Request to revise a motion.
  - b. Request to substitute a motion.
  - c. Motion to amend the motion.
  - d. Procedural motion.
  - e. Declaration to terminate discussion/
  - f. Call for the question.
  - g. Motion to adjourn.
  
2. If a motion to amend the main motion is before the members, the Chairman may recognize only one of the following:
  - a. Procedural motion.
  - b. Declaration to terminate discussion.
  - c. Call for the question.
  - d. Call for a delay of the question.
  - e. Motion to adjourn.
  
3. If any of the following motions, requests or calls is before the Board, the Chairman may recognize only a declaration to terminate discussion or a motion to adjourn until the motion, request or call is resolved:
  - a. Procedural motion.
  - b. Request to revise a motion.
  - c. Request to substitute a motion.
  - d. Call for the question.
  - e. Call for a delay of the question.

**DISCUSSION:** A motion that has been recognized by the Chairman shall be open for discussion under the control of the Chairman. The discussion shall be solely between Board members. Staff and observers may participate only by responding to questions specifically directed to them by Board members.

**PRIVILEGE OF BOARD MEMBER:** No Board member who is speaking to the Board shall be interrupted by any person except by his own consent. If he yields to another person, the Chairman shall again recognize that Board member immediately at the conclusion of the other person's remarks and the member may continue speaking.

## **Board Bylaws**

### **Parliamentary Procedures (continued)**

**STATEMENTS FOR THE RECORD:** Any member may request the Secretary to include in the minutes a statement for the record containing his/her own statements, explanations or other materials. Such a statement may be oral or written pages. Such a request shall be made before the adjournment of the meeting into whose minutes the statement is inserted. A member may request the insertion of more than one statement in each meeting, but may not request the insertion of more than one statement on any particular subject or item.

**TERMINATION OF DISCUSSION:** The Chairman shall close the discussion when he determines that there has been sufficient discussion to consider all of the relevant factors. Discussion shall be closed if a majority of the Board members present so declare, regardless of any action by the Chairman.

**QUORUM:** A majority of the number of positions (filled or unfilled) on a school board constitutes a quorum. A majority of the Board is one more than fifty percent of the total Board positions. Vacancies on the Board do not decrease the number of Board positions.

**LACK OF QUORUM:** If the Chairman determines at any time that there is not a quorum present, he shall do one of the following:

1. Declare the meeting recessed until he determines that a quorum is present.
2. Declare the meeting adjourned.

**VOTE:** The vote on all matters shall be made in person and shall be oral. The Chairman shall announce the results of the vote immediately thereafter.

**ROLLCALL VOTE:** Upon the request of any member who was present when the vote on a motion was taken, the Chairman shall have the Secretary call the roll and each member shall announce his vote when his name is called. Immediately thereafter the Chairman shall announce the results. The results of a rollcall vote shall determine the disposition of the motion before the Board.

A request for a rollcall vote shall be made before the Chairman recognizes any other motion, or, if it is on a motion to amend, before the Chairman opens the discussion on the main motion as amended.

**ABSENTION:** Any member may abstain from voting at any call for the vote. Such a member, who is present at the call for the vote, shall be counted as present for the purpose of determining the presence of a quorum.

## **Board Bylaws**

### **Parliamentary Procedures (continued)**

**CHANGE OF VOTE:** A member may change his vote if he announces his change of vote before the Chairman announces the results of the vote.

**FAVORABLE MAJORITY:** A motion shall be deemed adopted and an action of the Board taken when a majority of the Board votes in favor of the motion. Vacancies on the Board do not decrease the number on the Board.

**DEFEATED MOTION:** A motion that did not receive a favorable majority is a defeated motion. A tie vote defeats a motion.

**RECONSIDERATION:** At any time subsequent to the announcement of a vote, either in the same meeting or in a subsequent regular meeting, any member may move to reconsider the vote. If made during the same meeting as the original vote, the Chairman shall recognize the motion at the earliest opportunity in which no other motion is before the Board. If the motion is seconded and is supported by a majority of the members voting, the Chairman shall place the original question before the Board members as the first specified item requiring deliberation on the agenda (if motion to reconsider is made at a subsequent meeting) or the next item of business (if the motion to reconsider is made at the same meeting) unless those Board members in favor of the reconsideration agree to a postponement to a definite time.

No vote shall be subject to more than one motion to reconsider. A vote on a motion to reconsider itself shall not be subject to a motion to reconsider.

**WAIVER OF RULES:** Any particular rule of the Rules of Adoption, except those relating to the vote and the roll call vote, may be waived on the motion of any Board member, if approved by a favorable majority. Such a waiver shall be for a limited time and for a limited purpose. The Chairman shall be the sole judge of whether a particular motion to waive a rule meets these requirements.

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;

## **Board Bylaws**

### **Board Minutes and Recordings**

The secretary of the Board of Trustees shall keep minutes and record all official Board actions. (Education Code 35145, 35163)

(cf. 9323.2 - Actions by the Board)

Copies of the minutes of each regular or special meeting shall be distributed to all Board members with the agenda for the next regular meeting.

Any minutes kept for Board meetings held in closed session shall be kept separate from the minutes of regular and special meetings. Minutes of closed sessions are not public records. (Government Code 54957.2)

(cf. 1340 - Access to District Records)

(cf. 9321.1 - Closed Session Actions and Reports)

Official Board minutes and recordings shall be stored in a fire-proof location.

#### **Recording of Votes**

Motions or resolutions shall be recorded as having passed or failed. Individual votes shall be recorded unless the action was unanimous. All motions and Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

#### **Video or Audio Recording**

A video or audio tape recording may be made at any Board meeting.

Recordings made during regular or special Board meetings are public records. They shall be kept for at least 30 days and upon request shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5)

#### **Legal Reference:**

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

**Board Bylaws**

**Board Minutes and Recordings (continued)**

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent of all parties to the communication

GOVERNMENT CODE

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

Bylaw Adopted: March 23, 1987

Bylaw Revised: March 27, 2006;