

MISSION:

The Pierce Joint Unified School District is committed to our students achieving their highest educational goals in a culturally/individually diverse setting by providing a highly qualified staff and a safe, clean, and secure learning environment. All community members are expected to be an active part of the educational setting of the Pierce Joint Unified School District

VISION:

Every student will achieve their highest educational goals.



Pierce Joint Unified School District
540A 6th Street
P.O. Box 239
Arbuckle CA 95912
(530) 476-2892 * (530) 476-2289 Fax

MOTTO:

"Students First"



**BOARD OF TRUSTEES REGULAR MEETING
PIERCE JOINT UNIFIED SCHOOL DISTRICT
TECHNOLOGY BUILDING
940A WILDWOOD ROAD, ARBUCKLE CA 95912**

THURSDAY AUGUST 19, 2021 5:00 p.m.

AGENDA

Governing Board

Amy Charter, President

Abel Gomez, Vice President

Barbara Bair, Board Clerk

John R. Friel, Member

George Green, Member

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 540A 6th Street, Arbuckle CA 95912, during normal business hours.

Message from the Board President:

This meeting is being recorded and may capture sounds of those attending the meeting.

**Pierce Joint Unified will hold its regularly scheduled board meeting on
Thursday, August 19, 2021 at 5:00 p.m.**

**Please note that if you attend in-person, you may be required to wear a mask
depending on State regulations at the time of the meeting.**

Please know that you may join the meeting by phone and/or video.

Public comment will be included during this regular meeting and will be heard at 6 p.m.

**To join the meeting, dial 1-920-322-7164 and enter PIN 150 890 476#
(be sure to include the # in the PIN)**

Please remember: to mute or unmute your phone, press *6

**The chat box will be monitored during the meeting, if you have a question or would like to speak,
please use the chat box to alert the meeting organizer.**

1. CALL TO ORDER

A. *Pledge of Allegiance*

2. APPROVAL OF AGENDA

ACTION

2021/22 Board Goals:

1. Pierce Joint Unified School District students will successfully graduate from high school with the qualifications to enter the college or career path of their choosing.
2. Pierce Joint Unified School District students will feel a sense of connectedness academically, socially, and physically in their schools.
3. Pierce Joint Unified School District will engage families and members of the greater school community as educational partners.

3. HEARING OF THE PUBLIC – 6:00 p.m.
(Speakers will be given three (3) minutes to speak with a twenty (20) minute limit per topic)
4. Student Body Representative/Club Reports
5. PRINCIPAL’S REPORTS:
 - A. Arbuckle Elementary School/Grand Island Elementary School
 - B. Lloyd G. Johnson Junior High School
 - C. Pierce High School/Arbuckle Alternative High School
6. REPORTS: INFORMATION/
DISCUSSION
 - A. Transportation/Facilities Report
 - 1. Facility Inspection Tool (FIT) Report**
 2. Swimming Pool Report
 - 3. Electric Car Charging Pilot Program**
 - B. Technology Report
 - C. **Williams Complaint Procedure Quarterly Report – 4th Quarter 2020/21**
 - D. Tri-County Schools Induction Program (TCIP) Report
 - E. FAQ Page Report
 - F. **2021 Advanced Placement Test Report**
 - G. **ELD Leadership Summary**
7. PJUEA (Pierce Joint Unified Educators Association) Report INFORMATION
8. CSEA (California School Employees Association) Report INFORMATION
9. Consider and approve **Ag Advisory Committee Members for the 2021/22 School Year** ACTION
10. Consider and approve **Appointing Susie Lytal as District Representative to SELPA CAC (Community Advisory Committee): Two Year Term: 2021/22 and 2022/23 School Years** ACTION
11. Consider and approve **Certification of 2021/22 Fall Sports Coaches** ACTION
12. Consider and approve **TCIP Participants and Mentors for the 2021/22 School Year** ACTION
13. Consider and approve **Surplus Materials – Technology Department E-Waste** ACTION
14. Consider and approve **Mandate Block Grant Application Fiscal Year 2021/22** ACTION
15. Consider and approve **Teacher Consent Form** for: ACTION
 - A. Jeanine Schaap – Arbuckle Alternative High School: Independent Study/Alternative Education**
 - B. Calley Paul – Pierce High School: Life Choices**
 - C. Scott Burnum – Pierce High School: Leadership**
 - D. Luke VanLaningham – Pierce High School: Ag Environmental Science (Physical Science)**

- E. Ashlee Povlsen – Lloyd G. Johnson Junior High School: Leadership – ASB**
- F. Carlos Corona – Lloyd G. Johnson Junior High School: Design Thinking - Coding**

- 16. Consider and approve Consent Agenda: ACTION
 - A. Minutes of July 15, 2021 Regular Board Meeting**
 - B. Warrant List for July 2021**
 - C. Interdistrict Transfers:
 - 1. Transferring IN for the **2021/22 School Year:**
 - a. Seventeen (17) Students from Williams CA – (3) new
 - b. One (1) Student from Vacaville CA – new
 - c. Six (6) Students from Maxwell CA – (1) new
 - d. One (1) Student from Colusa CA – new
 - e. Two (2) Students from Orland CA – continuing
 - 2. Transferring OUT for the **2021/22 School Year:**
 - a. Eight (8) Students to Woodland CA – (1) new
 - b. Three (3) Students to Maxwell CA – new
 - c. Five (5) Students to Colusa CA – (2) new
 - d. Two (2) Students to Williams CA – new
 - e. Four (4) Students to Esparto CA – new

- 17. BOARD POLICIES: FIRST READING/
POSSIBLE ACTION
 - A. FIRST READING:
 - 1. **AR 1312.3 – Uniform Complaint Procedures**
 - 2. **BP 1313 – Civility**
 - 3. **BP 4112.42/4212.42/4312.42 – Drug and Alcohol Testing for School Bus Drivers**
 - 4. **BP/E 4119.21 – Professional Standards**
 - 5. **BP 4141/4241 – Collective Bargaining Agreement**
 - 6. **BP/AR 4158/4258/4358 – Employee Security**
 - 7. **BP/AR 5141.4 – Child Abuse Prevention and Reporting**
 - 8. **BP/AR 5141.52 – Suicide Prevention**
 - 9. **BP/AR 5142.2 – Safe Routes to School Program**
 - 10. **BP 5145.12 – Search and Seizure**
 - 11. **BP 5145.9 – Hate – Motivated Behavior**
 - 12. **BP 6142.51 – Environmental Education**
 - 13. **AR 6162.51 – State Academic Achievement Tests**
 - 14. **BP/AR 7211 – Developer Fees**
 - 15. **BP/AR 5121 – Grades/Evaluation of Student Achievement**
 - 16. **BP/E 4119.21 – Professional Standards**

- 18. Items to be agendized for the next regular meeting:

- 19. Superintendent’s Report

- 20. Board President Report

21. CLOSED SESSION:

ACTION

A. PUBLIC EMPLOYMENT: Pursuant to Government Code sec. 54957, the Board will meet in CLOSED SESSION to discuss employee matters:

| Certification | Position | Status |
|----------------------|---|---------------|
| Coach | Varsity Football Assistant | Volunteer |
| Classified | After School Program Para Educator | Hiring |
| Certificated | K-8 Music Teacher | Hiring |
| Certificated | Social Science Teacher | Hiring |
| Classified | Substitute Para Educator (2 positions) | Hiring |
| Certificated | Substitute Teacher (3 positions) | Hiring |
| Certificated | Science Teacher | Hiring |
| Coach | Varsity Boy's Head Soccer Coach | Hiring |
| Coach | Fresh/Soph Assistant Football Coach | Hiring |
| Certificated | Summer School Library | Hiring |
| Coach | Varsity Girl's Head Volleyball Coach | Hiring |
| Coach | Fresh/Soph Girl's Head Volleyball Coach | Hiring |
| Coach | Varsity Softball Head Coach | Resignation |
| Coach | Varsity Baseball Head Coach | Resignation |
| Classified | Utility Tech/Bus Driver | Resignation |
| Classified | Bus Driver/Groundswoker | Hiring |
| Certificated | Long Term Substitute – Math | Hiring |
| Classified | District-wide Groundswoker | Hiring |
| Classified | Virtual Tutor | Hiring |
| Classified | Bilingual Para Educator | Hiring |
| Coach | Fresh/Soph Assistant Football Coach | Resignation |
| Coach | Fresh/Soph Head Football Coach | Hiring |
| Classified | After School Program Para Educator | Resignation |
| Classified | Para Educator (2 positions) | Hiring |
| Coach | Fresh/Soph Assistant Football Coach | Hiring |

B. PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE: Pursuant to Government Code sec. 54957, the Board will meet in CLOSED SESSION to discuss public employee discipline/dismissal/release

C. CONFERENCE WITH LABOR NEGOTIATOR: Pursuant to Government Code sec. 54957.6, the Board will meet in CLOSED SESSION to give direction to Agency Negotiator, Carol Geyer, regarding negotiations with PJUEA (Pierce Joint Unified Educators Association), and unrepresented employees

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Superintendent: Pursuant to Government Code sec. 54957, the Board will meet in CLOSED SESSION for verbal evaluation of Superintendent

22. OPEN SESSION: Report ACTION taken in CLOSED SESSION:

ACTION

A. PUBLIC EMPLOYMENT: Pursuant to Government Code sec. 54957, the

Board will meet in **CLOSED SESSION** to discuss employee matters:

| Certification | Position | Status |
|----------------------|---|---------------|
| Coach | Varsity Football Assistant | Volunteer |
| Classified | After School Program Para Educator | Hiring |
| Certificated | K-8 Music Teacher | Hiring |
| Certificated | Social Science Teacher | Hiring |
| Classified | Substitute Para Educator (2 positions) | Hiring |
| Certificated | Substitute Teacher (3 positions) | Hiring |
| Certificated | Science Teacher | Hiring |
| Coach | Varsity Boy’s Head Soccer Coach | Hiring |
| Coach | Fresh/Soph Assistant Football Coach | Hiring |
| Certificated | Summer School Library | Hiring |
| Coach | Varsity Girl’s Head Volleyball Coach | Hiring |
| Coach | Fresh/Soph Girl’s Head Volleyball Coach | Hiring |
| Coach | Varsity Softball Head Coach | Resignation |
| Coach | Varsity Baseball Head Coach | Resignation |
| Classified | Utility Tech/Bus Driver | Resignation |
| Classified | Bus Driver/Groundswoker | Hiring |
| Certificated | Long Term Substitute – Math | Hiring |
| Classified | District-wide Groundswoker | Hiring |
| Classified | Virtual Tutor | Hiring |
| Classified | Bilingual Para Educator | Hiring |
| Coach | Fresh/Soph Assistant Football Coach | Resignation |
| Coach | Fresh/Soph Head Football Coach | Hiring |
| Classified | After School Program Para Educator | Resignation |
| Classified | Para Educator (2 positions) | Hiring |
| Coach | Fresh/Soph Assistant Football Coach | Hiring |

B. **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE:** Pursuant to Government Code sec. 54957, the Board will meet in **CLOSED SESSION** to discuss public employee discipline/dismissal/release

C. **CONFERENCE WITH LABOR NEGOTIATOR:** Pursuant to Government Code sec. 54957.6, the Board will meet in **CLOSED SESSION** to give direction to Agency Negotiator, Carol Geyer, regarding negotiations with PJUEA (Pierce Joint Unified Educators Association), and unrepresented employees

D. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Superintendent:** Pursuant to Government Code sec. 54957, the Board will meet in **CLOSED SESSION** for verbal evaluation of Superintendent

23. Adjourn

In compliance with the American with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact our office at (530) 476-2892 x13000. Notification at least 48 hours prior to the meeting will enable the office to make reasonable arrangements to ensure accessibility to the Board meeting. (Government Code § 54954.2)

| | | | |
|---|---|---|---|
| SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION PIERCE JOINT UNIFIED SCHOOL DISTRICT | | COUNTY Colusa | |
| SCHOOL SITE Arbuckle Elementary School | | SCHOOL TYPE (GRADE LEVELS) TK - 5 | NUMBER OF CLASSROOMS ON SITE 38 |
| INSPECTOR'S NAME Francisco Mendoza | INSPECTOR'S TITLE Facilities/Maintenance Supervisor | NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) N/A | |
| TIME OF INSPECTION 10:00 AM - 1:00 PM | WEATHER CONDITION AT TIME OF INSPECTION Clear Warm | | |

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

| TOTAL NUMBER OF AREAS EVALUATED | CATEGORY TOTALS | A. SYSTEMS | | | B. INTERIOR | C. CLEANLINESS | | D. ELECTRICAL | E. RESTROOMS/FOUNTAINS | | F. SAFETY | | G. STRUCTURAL | | H. EXTERNAL | |
|--|------------------|------------|-----------|---------|-------------------|---------------------|-------------------------|---------------|------------------------|-----------------|-------------|---------------------|-------------------|--------|---------------------------|----------------------------|
| | | GAS LEAKS | MECH/HVAC | SEWER | INTERIOR SURFACES | OVERALL CLEANLINESS | PEST/VERMIN INFESTATION | ELECTRICAL | RESTROOMS | SINKS/FOUNTAINS | FIRE SAFETY | HAZARDOUS MATERIALS | STRUCTURAL DAMAGE | ROOFS | PLAYGROUND/SCHOOL GROUNDS | WINDOWS/DOORS/GATES/FENCES |
| 10 | Number of "OK"s: | 10 | 7 | 10 | 7 | 10 | 10 | 9 | 9 | 9 | 10 | 10 | 10 | 7 | 10 | 8 |
| | Number of "D"s: | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| | Number of "X"s: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of NAs: | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 |
| Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)* | | 100.00% | 87.50% | 100.00% | 87.50% | 100.00% | 100.00% | 90.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 77.78% | 100.00% | 80.00% |
| Total Percent per Category (average of above)* | | 95.83% | | | 87.50% | 100.00% | | 90.00% | 100.00% | | 100.00% | | 88.89% | | 90.00% | |
| Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99% | | GOOD | | | FAIR | GOOD | | GOOD | GOOD | | GOOD | | FAIR | | GOOD | |

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING: DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE → **94.03%** SCHOOL RATING** → **GOOD**

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

| PERCENTAGE | DESCRIPTION | RATING |
|------------|---|-----------|
| 99%-100% | The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school. | EXEMPLARY |
| 90%-98.99% | The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated. | GOOD |
| 75%-89.99% | The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site. | FAIR |
| 0%-74.99% | The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus. | POOR |

COMMENTS AND RATING EXPLANATION: Campus is in good condition. Some gutters need minor upkeep to take care of dry rot.

| | | |
|---|--|---|
| SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION PIERCE JOINT UNIFIED SCHOOL DISTRICT | | COUNTY Colusa |
| SCHOOL SITE Grand Island Elementary School | | SCHOOL TYPE (GRADE LEVELS) TK- 6th |
| INSPECTOR'S NAME Francisco Mendoza | | NUMBER OF CLASSROOMS ON SITE 4 |
| INSPECTOR'S TITLE Facilities/Maintenance Supervisor | | NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) N/A |
| TIME OF INSPECTION 6:00 AM - 8:00 AM | WEATHER CONDITION AT TIME OF INSPECTION Clear Warm | |

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

| TOTAL NUMBER OF AREAS EVALUATED | CATEGORY TOTALS | A. SYSTEMS | | | B. INTERIOR | C. CLEANLINESS | | D. ELECTRICAL | E. RESTROOMS/FOUNTAINS | | F. SAFETY | | G. STRUCTURAL | | H. EXTERNAL | |
|---|-----------------|------------|-----------|---------|-------------------|---------------------|-------------------------|---------------|------------------------|------------------|-------------|---------------------|-------------------|---------|----------------------------|-----------------------------|
| | | GAS LEAKS | MECH/HVAC | SEWER | INTERIOR SURFACES | OVERALL CLEANLINESS | PEST/VERMIN INFESTATION | ELECTRICAL | RESTROOMS | SINKS/ FOUNTAINS | FIRE SAFETY | HAZARDOUS MATERIALS | STRUCTURAL DAMAGE | ROOFS | PLAYGROUND/ SCHOOL GROUNDS | WINDOWS/DOORS/ GATES/FENCES |
| 4 | Number of "OK"s | 4 | 1 | 2 | 0 | 4 | 3 | 4 | 1 | 1 | 4 | 4 | 4 | 1 | 4 | 3 |
| | Number of "D"s | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of "X"s | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of N/A's | 0 | 3 | 2 | 3 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 0 | 3 | 0 | 1 |
| Percent of System in Good Repair. Number of "OK"s divided by (Total Areas - "NA"s)* | | 100.00% | 100.00% | 100.00% | 0.00% | 100.00% | 75.00% | 100.00% | 100.00% | 50.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |
| Total Percent per Category (average of above)* | | 100.00% | | | 0.00% | 87.50% | | 100.00% | 75.00% | | 100.00% | | 100.00% | | 100.00% | |
| Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99% | | GOOD | | | POOR | FAIR | | GOOD | FAIR | | GOOD | | GOOD | | GOOD | |

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING: **DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE** → **82.81%** **SCHOOL RATING**** → **FAIR**

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

| PERCENTAGE | DESCRIPTION | RATING |
|------------|---|-----------|
| 99%-100% | The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school. | EXEMPLARY |
| 90%-98.99% | The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated. | GOOD |
| 75%-89.99% | The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site. | FAIR |
| 0%-74.99% | The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus. | POOR |

COMMENTS AND RATING EXPLANATION: Campus is well kept considering its age, regular updating is needed. Working to improve pest management issues.

| | | |
|---|---|--|
| SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION PIERCE JOINT UNIFIED SCHOOL DISTRICT | | COUNTY Colusa |
| SCHOOL SITE Lloyd G. Johnson Jr. High School | | SCHOOL TYPE (GRADE LEVELS) 6th - 8th |
| INSPECTOR'S NAME Francisco Mendoza | INSPECTOR'S TITLE Facilities/Maintenance Supervisor | NUMBER OF CLASSROOMS ON SITE 15 |
| TIME OF INSPECTION 8:00 AM - 12:00 PM | NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) N/A | |
| WEATHER CONDITION AT TIME OF INSPECTION Clear Warm | | |

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

| TOTAL NUMBER OF AREAS EVALUATED | CATEGORY TOTALS | A. SYSTEMS | | | B. INTERIOR | C. CLEANLINESS | | D. ELECTRICAL | E. RESTROOMS/FOUNTAINS | | F. SAFETY | | G. STRUCTURAL | | H. EXTERNAL | |
|--|-----------------|------------|-----------|---------|-------------------|---------------------|-------------------------|---------------|------------------------|-----------------|-------------|---------------------|-------------------|--------|---------------------------|----------------------------|
| | | GAS LEAKS | MECH/HVAC | SEWER | INTERIOR SURFACES | OVERALL CLEANLINESS | PEST/VERMIN INFESTATION | ELECTRICAL | RESTROOMS | SINKS/FOUNTAINS | FIRE SAFETY | HAZARDOUS MATERIALS | STRUCTURAL DAMAGE | ROOFS | PLAYGROUND/SCHOOL GROUNDS | WINDOWS/DOORS/GATES/FENCES |
| 10 | Number of "OK"s | 9 | 7 | 9 | 6 | 10 | 10 | 10 | 7 | 8 | 10 | 10 | 10 | 7 | 9 | 7 |
| | Number of "D"s | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 |
| | Number of "X"s | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of NAs | 1 | 3 | 1 | 3 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 0 | 2 | 1 | 1 |
| Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s)* | | 100.00% | 100.00% | 100.00% | 85.71% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 87.50% | 100.00% | 77.78% |
| Total Percent per Category (average of above)* | | 100.00% | | | 85.71% | 100.00% | | 100.00% | 100.00% | | 100.00% | | 93.75% | | 88.89% | |
| Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99% | | GOOD | | | FAIR | GOOD | | GOOD | GOOD | | GOOD | | GOOD | | FAIR | |

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING: **DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE** → **96.04%** **SCHOOL RATING**** → **GOOD**

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

| PERCENTAGE | DESCRIPTION | RATING |
|------------|---|-----------|
| 99%-100% | The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school. | EXEMPLARY |
| 90%-98.99% | The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated. | GOOD |
| 75%-89.99% | The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site. | FAIR |
| 0%-74.99% | The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus. | POOR |

COMMENTS AND RATING EXPLANATION: Overall good condition, some minor upkeep and updating needed.

| | | |
|---|--|---|
| SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION PIERCE JOINT UNIFIED SCHOOL DISTRICT | | COUNTY Colusa |
| SCHOOL SITE Pierce High School | | SCHOOL TYPE (GRADE LEVELS) 9th - 12th |
| INSPECTOR'S NAME Francisco Mendoza | | NUMBER OF CLASSROOMS ON SITE 32 |
| INSPECTOR'S TITLE Facilities/Maintenance Supervisor | | NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) N/A |
| TIME OF INSPECTION 7:00 AM- 2:00 PM | | WEATHER CONDITION AT TIME OF INSPECTION Clear Warm |

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

| TOTAL NUMBER OF AREAS EVALUATED | CATEGORY TOTALS | A. SYSTEMS | | | B. INTERIOR | C. CLEANLINESS | | D. ELECTRICAL | E. RESTROOMS/FOUNTAINS | | F. SAFETY | | G. STRUCTURAL | | H. EXTERNAL | |
|--|-----------------|------------|----------|---------|-------------------|---------------------|-------------------------|---------------|------------------------|------------------|-------------|---------------------|-------------------|---------|----------------------------|-----------------------------|
| | | GAS LEAKS | MECH/VAC | SEWER | INTERIOR SURFACES | OVERALL CLEANLINESS | PEST/VERMIN INFESTATION | ELECTRICAL | RESTROOMS | SINKS/ FOUNTAINS | FIRE SAFETY | HAZARDOUS MATERIALS | STRUCTURAL DAMAGE | ROOFS | PLAYGROUND/ SCHOOL GROUNDS | WINDOWS/DOORS/ GATES/FENCES |
| 14 | Number of "OK"s | 14 | 10 | 14 | 10 | 14 | 14 | 13 | 10 | 12 | 13 | 14 | 13 | 12 | 11 | 13 |
| | Number of "D"s | 0 | 0 | 0 | 3 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 1 | 0 | 3 | 1 |
| | Number of "X"s | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of NAs | 0 | 4 | 0 | 1 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 2 | 0 | 0 |
| Percent of System in Good Repair: Number of "OK"s divided by (Total Areas - "NA"s) | | 100.00% | 100.00% | 100.00% | 76.92% | 100.00% | 100.00% | 92.86% | 83.33% | 100.00% | 92.86% | 100.00% | 92.86% | 100.00% | 78.57% | 92.86% |
| Total Percent per Category (average of above)* | | 100.00% | | | 76.92% | 100.00% | | 92.86% | 91.67% | | 96.43% | | 96.43% | | 85.72% | |
| Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99% | | GOOD | | | FAIR | GOOD | | GOOD | GOOD | | GOOD | | GOOD | | FAIR | |

*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING: DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE → 92.50% SCHOOL RATING** → GOOD

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

| PERCENTAGE | DESCRIPTION | RATING |
|------------|---|-----------|
| 99%-100% | The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school. | EXEMPLARY |
| 90%-98.99% | The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated. | GOOD |
| 75%-89.99% | The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site. | FAIR |
| 0%-74.99% | The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus. | POOR |

COMMENTS AND RATING EXPLANATION: Campus is well kept in spite of its aged condition.

| | | |
|---|---|---|
| SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION PIERCE JOINT UNIFIED SCHOOL DISTRICT | | COUNTY Colusa |
| SCHOOL SITE Arbuckle Alternative High School | | SCHOOL TYPE (GRADE LEVELS) 9th - 12th |
| INSPECTOR'S NAME Francisco Mendoza | INSPECTOR'S TITLE Facilities/Maintenance Supervisor | NUMBER OF CLASSROOMS ON SITE 1 |
| TIME OF INSPECTION 7:00 AM - 2:00 PM | NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE) N/A | |
| | WEATHER CONDITION AT TIME OF INSPECTION Clear Warm | |

PART III: CATEGORY TOTALS AND RANKING (round all calculations to two decimal places)

| TOTAL NUMBER OF AREAS EVALUATED | CATEGORY TOTALS | A. SYSTEMS | | | B. INTERIOR | C. CLEANLINESS | | D. ELECTRICAL | E. RESTROOMS/FOUNTAINS | | F. SAFETY | | G. STRUCTURAL | | H. EXTERNAL | |
|---|-----------------|------------|-----------|---------|-------------------|---------------------|-------------------------|---------------|------------------------|-----------------|-------------|---------------------|-------------------|-------|---------------------------|----------------------------|
| | | GAS LEAKS | MECH/HVAC | SEWER | INTERIOR SURFACES | OVERALL CLEANLINESS | PEST/VERMIN INFESTATION | ELECTRICAL | RESTROOMS | SINKS/FOUNTAINS | FIRE SAFETY | HAZARDOUS MATERIALS | STRUCTURAL DAMAGE | ROOFS | PLAYGROUND/SCHOOL GROUNDS | WINDOWS/DOORS/GATES/FENCES |
| 1 | Number of "OK"s | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 1 |
| | Number of "D"s | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| | Number of "X"s | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Number of N/A's | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Percent of System in Good Repair Number of "OK"s divided by (Total Areas - "NA"s) | | 100.00% | 100.00% | 100.00% | 0.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% | 0.00% | 100.00% | 100.00% |
| Total Percent per Category (average of above)* | | 100.00% | | | 0.00% | 100.00% | | 100.00% | 100.00% | | 100.00% | | 50.00% | | 100.00% | |
| Rank (Circle one) GOOD = 90%-100% FAIR = 75%-89.99% POOR = 0%-74.99% | | GOOD | | | POOR | GOOD | | GOOD | GOOD | | GOOD | | POOR | | GOOD | |

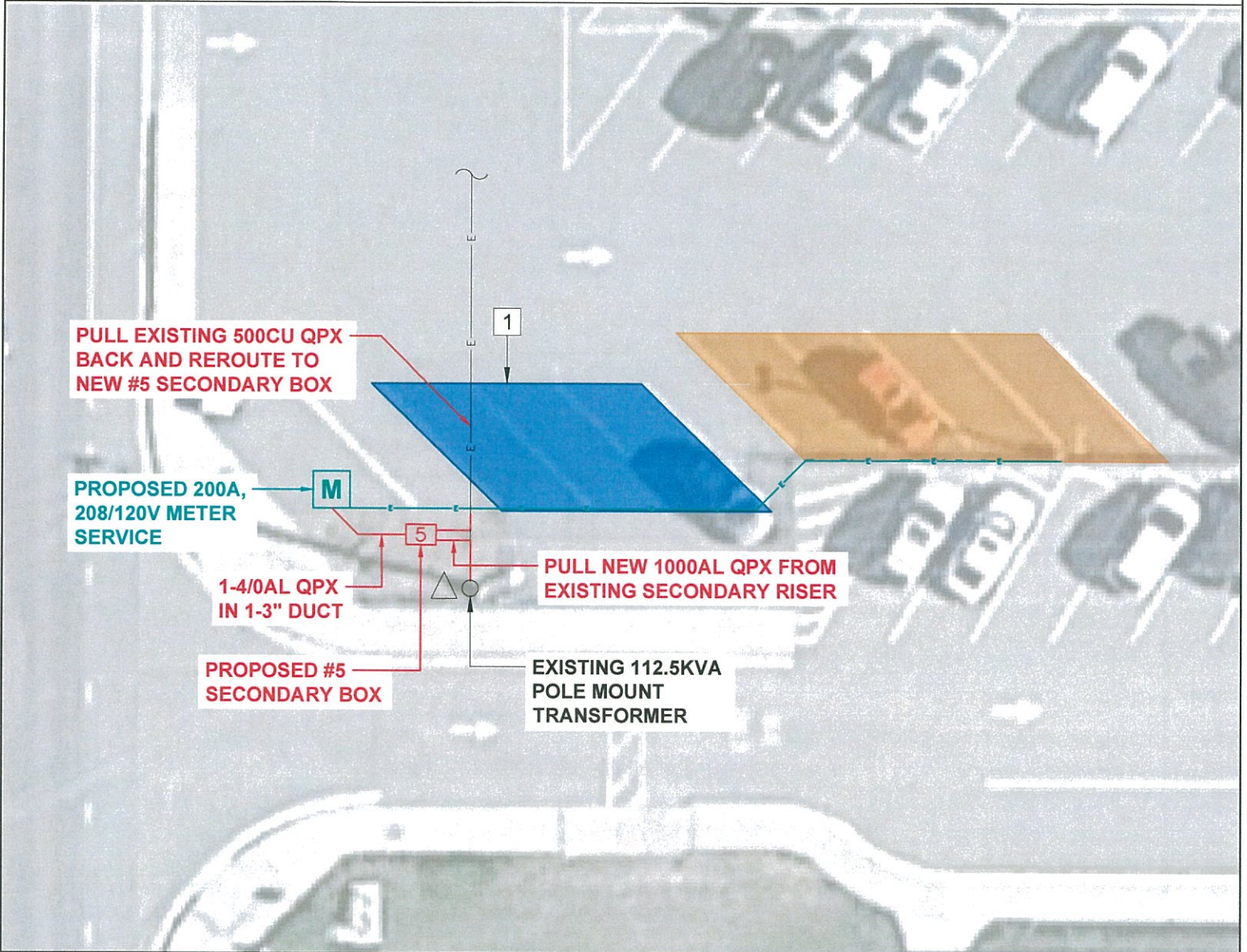
*Note: An extreme deficiency in any area automatically results in a "poor" ranking for that category and a zero for "Total Percent per Category".

OVERALL RATING: DETERMINE AVERAGE PERCENTAGE OF 8 CATEGORIES ABOVE → 81.25% SCHOOL RATING** → FAIR

**For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

| PERCENTAGE | DESCRIPTION | RATING |
|------------|---|-----------|
| 99%-100% | The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school. | EXEMPLARY |
| 90%-98.99% | The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated. | GOOD |
| 75%-89.99% | The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site. | FAIR |
| 0%-74.99% | The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout the campus. | POOR |

COMMENTS AND RATING EXPLANATION: Campus is well kept. Minor upkeep needed on roof and carpet.



INITIAL SITE ASSESSMENT

LEGEND:

- POTENTIAL LOCATION OF ADA ACCESSIBLE EVSE
- POSSIBLE LOCATION OF STANDARD EVSE

1 POTENTIAL LOCATION FOR ADA ACCESSIBLE EVSE. IMPROVEMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, LOSS OF STALLS FOR ACCESS AISLE / PATH OF TRAVEL, NEW CURB RAMP AND STALL / ACCESS AISLE / PATH OF TRAVEL REGRADING.*

* EXISTING AND PROPOSED ADA ACCESSIBILITY WILL REQUIRE FIELD VERIFICATION.

* EXISTING SERVICE WILL REQUIRE FIELD VERIFICATION.

EXISTING TX LOADING

| | |
|-------------------------|------------------|
| TRF NUMBER | CGC#219844648864 |
| PEAK SEASON | SUMMER |
| TRF LOADING AREA | INTERIOR |
| NAMEPLATE KVA | 112.5 |
| CALC. CAPABILITY** | 135 |
| CALC. PEAK LOAD | 22.6 |
| PROPOSED CHARGER | |
| TYPE | BTC POWER |
| INPUT (KW) | 6.7KW |
| OUTPUT (KW) | 6.7KW |
| COUNT | 6 PORTS |
| CONNECTED | 40.2KW |
| DIVERSITY FACTOR | 0.8 |
| EV TRF DF LOAD | 32.16 |



CONSULTANT
Blair, Church & Flynn
Consulting Engineers
481. Clovis Avenue,
Suite 200
Clovis, California 93612
Tel (559) 326-1400
Fax (559) 326-1500



DRAWN BY: **CRISTINA COLMENERO**

CHECKED BY: **CASSIE BURGER**

DATE: **08-06-2021**

NOT TO SCALE

SHEET NO. **1**

OF **1** SHEETS

011

WILLIAMS UNIFORM COMPLAINT PROCEDURE
QUARTERLY REPORT
PIERCE JOINT UNIFIED SCHOOL DISTRICT
April 1, 2021 - June 30, 2021

Education Code 35186(d) requires that a district report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.

X No complaints have been received this quarter.

The following complaints have been received this quarter.

Education Code 35186(e)(1) requires that districts investigate and resolve complaints when a complainant alleges that (a) students do not have standards-aligned instructional materials to use in class; or (b) for use at home or after school in order to complete required homework assignments; or (c) are in poor or unusable condition.

 Complaints have been received regarding insufficient instructional materials.

District Resolutions:

Education Code 36186(e)(1) requires that districts investigate and resolve complaints when a complainant alleges that (a) students do not have standards-aligned textbooks or state- or district-adopted textbooks required for use in class; or (b) for use at home or after school in order to complete required homework assignments; or (c) are in poor or unusable condition.

 Complaints have been received regarding insufficient textbooks.

District Resolutions:

Education Code 35186(e)(3) requires that districts investigate and resolve complaints when a complainant alleges that facilities have conditions that pose an emergency or urgent threat to the health or safety of students or staff.

 Complaints have been received that facilities have emergency/urgent threat conditions.

District Resolutions:

Education Code 35186(e)(2) requires that districts investigate and resolve complaints when a complainant alleges that (a) a qualified certificated teacher has not been assigned to a vacant position to a class for an entire year; (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; or (c) a teacher is assigned to teach a class for which the teacher lacks subject matter competency.

_____ Complaints have been received regarding unqualified teachers.

District Resolutions:

The district investigated and remedied any valid complaint within a reasonable time period not exceeding 30 working days from the date the complaint was received. EC 35186 (b)

Superintendent

Date

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

Calculus AB

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------|-------------------|--------|----------------------|--------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 4 | 4 | 1.50 | 1.50 | -- | -- |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 23,202 | 202,273 | 3.01 | 2.81 | 57.6% | 52.6% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|---------|---------|---------|---------|---------|------------|
| — Your group (All Selected Sections) | 4 | 50% (2) | 50% (2) | 0% (0) | 0% (0) | 0% (0) | 1.50 |
| AP Cal (No Teacher Assigned) | 4 | 50% (2) | 50% (2) | 0% (0) | 0% (0) | 0% (0) | 1.50 |
| School | 4 | 50% (2) | 50% (2) | 0% (0) | 0% (0) | 0% (0) | 1.50 |
| CA | 23,202 | 22% | 21% | 18% | 15% | 25% | 3.01 |
| Global | 202,273 | 23% | 25% | 20% | 15% | 18% | 2.81 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

English Language and Composition

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------|-------------------|--------|----------------------|--------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 16 | 16 | 2.06 | 2.06 | 25.0% | 25.0% |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 72,562 | 475,754 | 2.79 | 2.86 | 54.6% | 58.0% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--|----------------|---------|---------|----------|---------|---------|------------|
| — Your group (All Selected Sections) | 16 | 19% (3) | 56% (9) | 25% (4) | 0% (0) | 0% (0) | 2.06 |
| Dropped Students (No Teacher Assigned) | 1 | 0% (0) | 0% (0) | 100% (1) | 0% (0) | 0% (0) | 3.00 |
| AP Eng Lang | 15 | 20% (3) | 60% (9) | 20% (3) | 0% (0) | 0% (0) | 2.00 |
| School | 16 | 19% (3) | 56% (9) | 25% (4) | 0% (0) | 0% (0) | 2.06 |
| CA | 72,562 | 14% | 32% | 25% | 21% | 9% | 2.79 |
| Global | 475,754 | 12% | 30% | 26% | 23% | 9% | 2.86 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

English Literature and Composition

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------------|-------------------|---------------|----------------------|---------------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 19 | 19 | 1.26 | 1.26 | -- | -- |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 40,729 | 295,871 | 2.43 | 2.49 | 41.8% | 44.5% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|----------|---------|---------|---------|---------|------------|
| — Your group (All Selected Sections) | 19 | 74% (14) | 26% (5) | 0% (0) | 0% (0) | 0% (0) | 1.26 |
| AP Eng Lit (| 19 | 74% (14) | 26% (5) | 0% (0) | 0% (0) | 0% (0) | 1.26 |
| School | 19 | 74% (14) | 26% (5) | 0% (0) | 0% (0) | 0% (0) | 1.26 |
| CA | 40,729 | 20% | 38% | 26% | 11% | 5% | 2.43 |
| Global | 295,871 | 18% | 38% | 27% | 12% | 5% | 2.49 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

Psychology

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------|-------------------|--------|----------------------|--------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 16 | 16 | 2.06 | 2.06 | 37.5% | 37.5% |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 32,731 | 261,933 | 2.76 | 2.73 | 54.4% | 53.9% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|---------|---------|---------|---------|---------|------------|
| — Your group (All Selected Sections) | 16 | 50% (8) | 13% (2) | 19% (3) | 19% (3) | 0% (0) | 2.06 |
| Psychology (| 16 | 50% (8) | 13% (2) | 19% (3) | 19% (3) | 0% (0) | 2.06 |
| School | 16 | 50% (8) | 13% (2) | 19% (3) | 19% (3) | 0% (0) | 2.06 |
| CA | 32,731 | 31% | 15% | 17% | 22% | 15% | 2.76 |
| Global | 261,933 | 31% | 15% | 18% | 21% | 14% | 2.73 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

Spanish Language and Culture

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------------|-------------------|---------------|----------------------|---------------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 29 | 29 | 3.52 | 3.52 | 89.7% | 89.7% |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 39,829 | 146,646 | 3.44 | 3.41 | 82.4% | 80.2% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|---------|---------|----------|---------|---------|------------|
| — Your group (All Selected Sections) | 29 | 3% (1) | 7% (2) | 45% (13) | 24% (7) | 21% (6) | 3.52 |
| AP Span | 15 | 0% (0) | 7% (1) | 47% (7) | 20% (3) | 27% (4) | 3.67 |
| AP Span | 14 | 7% (1) | 7% (1) | 43% (6) | 29% (4) | 14% (2) | 3.36 |
| School | 29 | 3% (1) | 7% (2) | 45% (13) | 24% (7) | 21% (6) | 3.52 |
| CA | 39,829 | 2% | 15% | 34% | 32% | 16% | 3.44 |
| Global | 146,646 | 3% | 16% | 33% | 30% | 17% | 3.41 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

Statistics

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------|-------------------|--------|----------------------|--------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 10 | 10 | 1.20 | 1.20 | -- | -- |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 14,172 | 150,416 | 2.90 | 2.84 | 58.6% | 58.0% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|---------|---------|---------|---------|---------|------------|
| — Your group (All Selected Sections) | 10 | 80% (8) | 20% (2) | 0% (0) | 0% (0) | 0% (0) | 1.20 |
| AP Stats (| 10 | 80% (8) | 20% (2) | 0% (0) | 0% (0) | 0% (0) | 1.20 |
| School | 10 | 80% (8) | 20% (2) | 0% (0) | 0% (0) | 0% (0) | 1.20 |
| CA | 14,172 | 25% | 16% | 21% | 19% | 19% | 2.90 |
| Global | 150,416 | 25% | 17% | 23% | 20% | 16% | 2.84 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

United States Government and Politics

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------|-------------------|--------|----------------------|--------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 18 | 18 | 1.28 | 1.28 | -- | -- |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 36,555 | 260,024 | 2.56 | 2.63 | 48.5% | 50.7% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|----------|---------|---------|---------|---------|------------|
| — Your group (All Selected Sections) | 18 | 72% (13) | 28% (5) | 0% (0) | 0% (0) | 0% (0) | 1.28 |
| PHS 20-21 † | 18 | 72% (13) | 28% (5) | 0% (0) | 0% (0) | 0% (0) | 1.28 |
| School | 18 | 72% (13) | 28% (5) | 0% (0) | 0% (0) | 0% (0) | 1.28 |
| CA | 36,555 | 26% | 25% | 26% | 11% | 11% | 2.56 |
| Global | 260,024 | 23% | 26% | 27% | 12% | 12% | 2.63 |

Subject Score Roster - 2021

Data Updated: July 11, 2021
Report Run: July 21, 2021

Pierce High School (050120)

United States History

All Sections

No Filters Applied

| STUDENTS TAKING EXAM | | MEAN SCORE | | % SCORES 3 OR HIGHER | |
|----------------------|---------|-------------------|--------|----------------------|--------|
| YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL | YOUR GROUP | SCHOOL |
| 22 | 22 | 1.18 | 1.18 | 4.5% | 4.5% |
| CA | GLOBAL | CA | GLOBAL | CA | GLOBAL |
| 56,654 | 397,136 | 2.53 | 2.53 | 47.3% | 47.5% |

Score Distributions with Comparables

| Comparable groups | Total Students | Score 1 | Score 2 | Score 3 | Score 4 | Score 5 | Mean score |
|--------------------------------------|----------------|----------|---------|---------|---------|---------|------------|
| — Your group (All Selected Sections) | 22 | 86% (19) | 9% (2) | 5% (1) | 0% (0) | 0% (0) | 1.18 |
| AP US | 22 | 86% (19) | 9% (2) | 5% (1) | 0% (0) | 0% (0) | 1.18 |
| School | 22 | 86% (19) | 9% (2) | 5% (1) | 0% (0) | 0% (0) | 1.18 |
| CA | 56,654 | 33% | 20% | 20% | 16% | 12% | 2.53 |
| Global | 397,136 | 30% | 22% | 21% | 16% | 10% | 2.53 |

Latest information
to the existing
status of your project

PJUSD LEADERSHIP SUMMARY

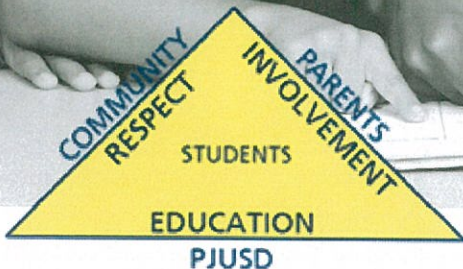
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**IF WE DON'T TAKE TIME TO CREATE THE
CULTURE WE WANT, WE'LL BE DRAINED
BY THE CULTURE WE HAVE."**

JULIE SHANKS



PIERCE JOINT UNIFIED SCHOOL DISTRICT

2021 | JULY

BEACON RESULTS



OVERVIEW

To the Pierce Joint Unified School District Leadership Team & Carol Geyer - Superintendent,

On behalf of the team from Beacon Results, we'd like to **congratulate you on the depth of conversation and planning** that you all have embarked on during our time together. We'd also like to appreciate you once again for taking us along with you on that journey. It has been our honor to assist you in adding meaning to your collective thoughts and conversations during that time.

It's **your deep dedication and desire towards creating a district that is both smart and healthy**, leading to greater student growth and success across all demographics that we especially noticed, and believe should be applauded. It was evident that this was an **important part of success in the culture of the district**. And we believe it shows in the results of the priorities you created as guidance for the district. We look forward to continuing the journey with you as we develop more of the comprehensive strategies that lead your district.

LEGACY STATEMENT OF PJUSD LEADERSHIP TEAM:

We are a passionate team that is focused, purposeful, and intentional in our leadership for those we serve.

SHARED VALUE STATEMENT:

We, Pierce leadership, are committed to serving a world that is nurturing and inclusive by being understanding, intentional and passionate.

PIERCE JOINT UNIFIED SCHOOL LEADERSHIP

GUIDELINES

- **Take time to build relationships**
- **Value others**
- **Put students first**

PRIORITIES

ENGLISH LANGUAGE DEVELOPMENT:

By June 30, 2022, 70% or more of teachers across subjects will understand the difference between designated instruction and integrated strategies and implement both across content areas.

Admin/Leadership will ensure all teachers have EL standards in their hands.

QUALITY FIRST INSTRUCTION:

By June 30, 2022, 75% or more of PJUSD educators will understand QFI and demonstrate evidence through/by observations and lesson plans/artifacts/outlines/pacing guides.

PROFESSIONAL LEARNING COMMUNITIES:

Create and implement a plan to use the NWEA data to focus PLCs (at least X times per year) in the analysis of student achievement, instructional practices, and vertical alignment by June 30, 2022.

Advisory Committee Rotation Schedule

| | | |
|------------------|-------------------------|------|
| Ag Mechanics | 1. Jason Bonino | 2021 |
| | 2. Steve Langlois | 2022 |
| | 3. Matt Sweet | 2023 |
| Ag Science | 1. Mike Doherty | 2021 |
| | 2. Melissa VanLaningham | 2022 |
| | 3. Jeff Charter | 2023 |
| Ornamental Hort. | 1. Carole Cain | 2021 |
| | 2. Ed Ayala | 2022 |
| | 3. Annelie Lauwerijssen | 2023 |
| School Farm/ SAE | 1. Gary Cain | 2021 |
| | 2. Jimmy Manhart | 2022 |
| | 3. Todd Miller | 2023 |
| Ag Business | 1. Scott Sherburne | 2023 |

Pierce Joint Unified
TCIP Mentors 2021/22

| Year 2 (1 semester only) | | | | | |
|--------------------------|-------------------------|----------------------|-----------------------------|------|---------|
| New Teacher | email | Mentor | email | Site | Subject |
| Trevor Platt | tplatt@pierce.k12.ca.us | Jacqueline Schlosser | jschlosser@pierce.k12.ca.us | PHS | English |

| Year 2 | | | | | |
|-----------------|----------------------------|-----------------|---------------------------|------|---------|
| New Teacher | email | Mentor | email | Site | Subject |
| Brittane Garcia | bgarcia@pierce.k12.ca.us | Samantha Vann | svann@pierce.k12.ca.us | AES | grade 5 |
| Sarah Anderson | sanderson@pierce.k12.ca.us | Manny Gill | mgill@pierce.k12.ca.us | JJH | grade 6 |
| Justin Chambers | jchambers@pierce.k12.ca.us | Michael Barber | mbarber@pierce.k12.ca.us | JJH | PE |
| Heather Riley | hriley@pierce.k12.ca.us | Michael Richins | mrichins@pierce.k12.ca.us | PHS | Spanish |
| Tasha Storm | tstorm@pierce.k12.ca.us | Megan Hall | mhall@pierce.k12.ca.us | JJH | Science |

| Year 1.5 | | | | | |
|-------------------|------------------------------|-------------------|----------------------------|------|--------------|
| New Teacher | email | Mentor | email | Site | Subject |
| Rachel Lanfranchi | rlanfranchi@pierce.k12.ca.us | Danielle Alvernaz | dalvernaz@pierce.k12.ca.us | AES | second grade |

| Year 1 | | | | | |
|---------------------------|----------------------------------|----------------------|-----------------------------|------------|--------------|
| New Teacher | email | Mentor | email | Site | Subject |
| Nancy Cabrera | ncabrera@pierce.k12.ca.us | Tammy Wilson | tamara5162@yahoo.com | PHS | math |
| Dallon Sachs | dsachs@pierce.k12.ca.us | Michael Barber | mbarber@pierce.k12.ca.us | JJH | PE |
| Mikenzie Martinez | mimartinez@pierce.k12.ca.us | Megan Hall | mhall@pierce.k12.ca.us | JJH | math |
| Guadalupe Garcia Saavedra | gugarcia@pierce.k12.ca.us | Michelle Cherry | mcherry@pierce.k12.ca.us | AES | 2nd grade |
| Rebecca Gonzalez | rgonzalez@pierce.k12.ca.us | Jodi Arens | jarens@pierce.k12.ca.us | AES | Kindergarten |
| Sean Muir | smuir@pierce.k12.ca.us | Mike Phenicie | mphenicie@colusa.k12.ca.us | PHS | music |
| Cleio (Skye) Maldonado | smaldonadolopez@pierce.k12.ca.us | Jacqueline Schlosser | jschlosser@pierce.k12.ca.us | JJH | English |
| Alia Ames | aames@pierce.k12.ca.us | Erin Sweet | esweet@pierce.k12.ca.us | PHS | Ag Business |
| Anthony Curcini | acurcini@pierce.k12.ca.us | Jacqueline Schlosser | jschlosser@pierce.k12.ca.us | JJH | Soc Sci |
| Thomas Foster | tfoster@pierce.k12.ca.us | Mike Phenicie | mphenicie@colusa.k12.ca.us | AES/GI/JJH | Music |

PHS Math

CATIP program NOT TCIP

| Interns | | | | | |
|----------------|---------------------------|-----------------|----------------------------|------|----------------|
| New Teacher | email | Mentor | email | Site | Subject |
| Ashlee Povlsen | apovlsen@pierce.k12.ca.us | Jonah McInnis | jmcinnis@pierce.k12.ca.us | JJH | Social Science |
| Arminda Corona | arcorona@pierce.k12.ca.us | Shelly Langlois | slanglois@pierce.k12.ca.us | AES | 5th grade |

| PIP/STSP | | | | | |
|--------------|---------------------------|--------|--------------------------|------|---------|
| New Teacher | email | Mentor | email | Site | Subject |
| Cody Ornbaun | cornbaun@pierce.k12.ca.us | Carlos | ccorona@pierce.k12.ca.us | PHS | Science |

| CTE Year 1 - Yolo Co. | | | | | |
|-----------------------|---------------------------|------------|------------------------|------|-----------|
| New Teacher | email | Mentor | email | Site | Subject |
| Sierra Reading | sreading@pierce.k12.ca.us | Dusty Dyer | ddyer@pierce.k12.ca.us | PHS | CTE - Art |

NOT TCIP program

Carol Meyer

Jul 28, 2021

K. Castro
K. Castro

Aug 3, 2021 026

**Pierce Joint Unified School District
Equipment & Supplies**

**Board Declaration
Surplus Equipment**

Date: August 9, 2021

Subject: Declaration of Surplus and Obsolete Equipment: Technology Equipment

Comments: The district has concluded the following items to be obsolete due to their age, their condition, the new standard to replace them, or changes in technology.

Information: The Board of Trustees has the authority under Sections 17545-17555 of the Education Code to sell, auction, donate, or otherwise dispose of District equipment or materials that are unusable, obsolete, or no longer needed for District use.

| <i>#</i> | <i>Type</i> | <i>Make</i> | <i>Model</i> |
|----------|-------------|-------------|--------------------|
| 3 | Monitor | HP | LE1851W |
| 3 | Monitor | HP | S1933 |
| 2 | Monitor | HP | LE1901W |
| 62 | Monitor | HP | LV1911 |
| 2 | Monitor | HP | V193 |
| 1 | TV | Vizio | E70-E3 |
| 1 | Laptop | HP | 6560B |
| 35 | Laptop | HP | ProBook 650 G2 |
| 17 | Laptop | HP | Zbook 15u G3 |
| 1 | Laptop | HP | ProBook 440 G6 |
| 2 | Laptop | HP | ProBook 440 G3 |
| 12 | Laptop | HP | Probook 650 G1 |
| 20 | Tablet | Apple | A1474 |
| 2 | Tablet | Apple | A1566 |
| 1 | Tablet | Apple | A1673 |
| 773 | Chromebook | HP | HP 14 G4 |
| 1 | Chromebook | ctl. | J5 |
| 1 | Chromebook | ACER | C720 ZHN |
| 1 | Chromebook | Lenovo | N42-20 |
| 24 | Desktop | HP | ProDesk 600 G1 SFF |

| | | | |
|----|-----------------|----------------|--------------------------|
| 18 | Desktop | HP | Z240 SFF Workstation |
| 11 | Chromebase | Acer | CA24V |
| 5 | Chromebase | LG | 22CV241 |
| 1 | Projector | Epson | Powerlite S3 |
| 1 | Projector | Epson | Powerlite 93+ |
| 1 | Projector | Epson | Powerlite 95 |
| 2 | Document Camera | Elmo | TT02-S |
| 13 | Document Camera | Elmo | TT02-RX |
| 1 | Document Camera | Elmo | TT-12 |
| 1 | Printer | Muratec | MFX-2030 |
| 1 | Printer | Brother | MFC-8440 |
| 1 | Printer | HP | JetPro MFP M477fdw |
| 1 | Printer | HP | LaserJet Pro 400 M401dne |
| 1 | Printer | HP | LaserJet 1536dnf MFP |
| 1 | Printer | HP | Color LaserJet CP3505n |
| 1 | Copier | Konica Minolta | bizhub Di2010 |
| 3 | AppleTV | Apple | A1625 |
| 20 | AppleTV | Apple | A1469 |
| 27 | Whiteboard tool | DYMO | MimioTeach ICD02-01 |
| 1 | Sound System | Sony | SA-CT260H |
| 1 | DVD Player | Sony | DVP-SR510H |
| 2 | Rack Mount UPS | APC | SUA750RM2U |
| 1 | Rack Mount UPS | APC | SMT750RM2U |
| 1 | Rack Mount UPS | APC | SMT1500RM2U |
| 3 | Rack Mount UPS | APC | SUA1500RM2U |
| 1 | Rack Mount UPS | APC | SMX750 |
| 1 | Rack Mount UPS | APC | SMT1500RM2UNC |

Educational Impact: None

Financial Impact: Projected Revenue \$ 24,016.00

Recommendations: It is recommended that the Board of Trustees declare and approve the sale, donation, and/or disposal of this equipment.

Submitted by: Jeff Stuivenberg



Mandate Block Grant (MBG) Application

Fiscal Year 2021–22

Contact Information

Local Educational Agency (LEA): Pierce Joint Unified
CDS Code: 06-61614-0000000
Charter Number:
Mailing Address 1: PO Box 239
Mailing Address 2:
City / State / Zip: Arbuckle / CA / 95912-0239
Phone: (530) 476-2892

Administrator Name: Mrs. Carol Geyer, Superintendent
Phone: (530) 476-2892 x 13001
Email: cgeyer@pierce.k12.ca.us

Secondary Contact
Name: Daena Meras, Business Manger
Phone: 530-476-2892 x 13005
Email: dmeras@pierce.k12.ca.us

Request for Funding

As the authorized representative of the above applicant entity I am submitting this application, which represents my letter requesting funding, for the 2021–22 Mandate Block Grant (MBG) pursuant to *Government Code (GC) Section 17581.6*. Funding apportioned for the 2021–22 MBG is specifically intended to fund the costs of the programs and activities identified in *GC Section 17581.6(f)*. A school district or county office of education that receives MBG funding shall not be eligible to submit claims to the State Controller for reimbursement pursuant to *GC Section 17560* for any costs of any state mandates identified in *GC Section 17581.6(f)* incurred in the same fiscal year that MBG funding is received.

Certification and Signature of Authorized Representative

I want to participate I do not want to participate

I hereby certify that to the best of my knowledge and belief, this data is true and correct and that data reported on this application have been reported in accordance with applicable laws and regulations.

* Signature: 

* Type name of Authorized Representative:
 Daena Meras

Date: 8/16/2021 8:33:57 AM

* It is recommended that this certification be printed, signed, and retained for the local educational agency's records.



Teacher Consent Form

PURPOSE: Pursuant to the Education Code or Title 5, provides written documentation that the District obtained the teacher's consent prior to making assignment(s) outside of the teacher's current credential authorization.

District: Pierce Joint Unified School District School Year: 2021/2022

School Site: Arbuckle Alternative School Grade Level: 9-12

Teacher: Jeanine Schaap SS#: xxx-xx-4201

Credential Held: Clear Single Subject: Social Science

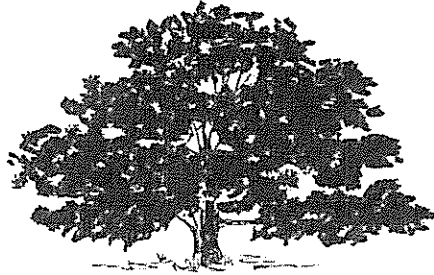
1. Assignment: Independent Study Legal Authorization per EC or T5: EC 51745

2. Assignment: Alternative Education Legal Authorization per EC or T5: EC 44865(f)

I mutually agree and consent to this assignment.

Teachers Signature: *J.R. Schaap* Date: May 28, 2021
J.R. Schaap - May 28, 2021 11:55:02

Printed/Typed Name: Jeanine Schaap



Teacher Consent Form

PURPOSE: Pursuant to the Education Code or Title 5, provides written documentation that the District obtained the teacher's consent prior to making assignment(s) outside of the teacher's current credential authorization.

District: Pierce Joint Unified School District School Year: 2021/2022

School Site: Pierce High School Grade Level: 9-12

Teacher: Calley Paul SS#: xxx-xx-0556

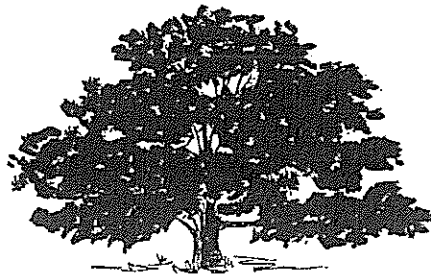
Credential Held: Preliminary Single Subject: English

1. Assignment: Life Choices Legal Authorization per EC or T5: T5 80005(b)

I mutually agree and consent to this assignment.

Teachers Signature:  Date: May 27, 2021
Calley Paul May 27, 2021 11:58 PDT

Printed/Typed Name: Calley Paul



Teacher Consent Form

PURPOSE: Pursuant to the Education Code or Title 5, provides written documentation that the District obtained the teacher's consent prior to making assignment(s) outside of the teacher's current credential authorization.

District: Pierce Joint Unified School District School Year: 2021/2022

School Site: Pierce High School Grade Level: 9-12

Teacher: Scott Burnum SS#: xxx-xx-3288

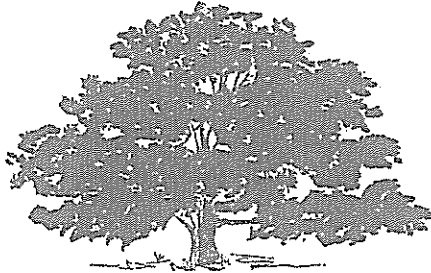
Credential Held: Clear Single Subject: Social Science, English Composition

1. Assignment: Leadership Legal Authorization per EC or T5: T5 80005(b)

I mutually agree and consent to this assignment.

Teachers Signature: Scott R. Burnum Date May 27, 2021

Printed/Typed Name: Scott Burnum



Teacher Consent Form

PURPOSE: Pursuant to the Education Code or Title 5, provides written documentation that the District obtained the teacher's consent prior to making assignment(s) outside of the teacher's current credential authorization.

District: Pierce Joint Unified School District School Year: 2021/2022

School Site: Pierce High School Grade Level: 9-12

Teacher: Luke VanLaningham SS#: xxx-xx-2769

Credential Held: Clear Single Subject: Agriculture, Animal Science, Biological Sciences

Credential Held: Clear Specialist Instruction: Agriculture

1. Assignment: Ag Environment Science (Physical Science)
Legal Authorization per EC or T5: T5 80005(b)

I mutually agree and consent to this assignment.

Teachers Signature:  Date: 6/23/21

Printed/Typed Name: Luke VanLaningham



Teacher Consent Form

PURPOSE: Pursuant to the Education Code or Title 5, provides written documentation that the District obtained the teacher's consent prior to making assignment(s) outside of the teacher's current credential authorization.

District: Pierce Joint Unified School District School Year: 2021/2022

School Site: Johnson Junior High School Grade Level: 8


Teacher: Ashlee Povlsen SS#: xxx-xx-5303

Credential Held: Intern Single Subject: Social Science

1. Assignment: Leadership - ASB

Legal Authorization per T5: 80005(b)

I mutually agree and consent to this assignment.

Teachers Signature:  Date: Aug 11, 2021

Printed/Typed Name: Ashlee Povlsen



Teacher Consent Form

PURPOSE: Pursuant to the Education Code or Title 5, provides written documentation that the District obtained the teacher's consent prior to making assignment(s) outside of the teacher's current credential authorization.

District: Pierce Joint Unified School District School Year: 2021/2022

School Site: Johnson Junior High School Grade Level: 7

Teacher: Carlos Corona SS#: xxx-xx-2292

Credential Held: Clear Single Subject: Science: Biological Sciences (Examination)

1. Assignment: Design Thinking - Coding

Legal Authorization per T5: 80005(b)

I mutually agree and consent to this assignment.

Teachers Signature:  Date: Aug 11, 2021
Carlos Corona (Aug 11, 2021 14:40 PDT)

Printed/Typed Name: Carlos Corona

Pierce Joint Unified School District
540-A 6th Street Arbuckle, CA 95912
(530) 476-2892 * FAX (530) 476-2289
Thursday July 15, 2021 1:00 pm
Pierce Joint Unified School District
Technology Building
940A Wildwood Road, Arbuckle CA 95912
Regular Board Meeting Minutes

Governing Board:

Amy Charter, President

Abel Gomez, Vice President

Barbara Bair, Clerk

John R. Friel, Member

George Green, Member

1. CALL TO ORDER

President Amy Charter called the meeting to order at 1:00 p.m.

Members Present: George Green, Abel Gomez, Amy Charter, Barbara Bair, and John R. Friel

Absent: None

Others Present: Carol Geyer, Daena Meras, and Melanie Brackett

John R. Friel led the *Pledge of Allegiance*

A. *Pledge of Allegiance*

A motion was made by Mr. Green and seconded by Mr. Friel to approve the agenda. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None

2. APPROVAL OF AGENDA

No one spoke at this time.

3. HEARING OF THE PUBLIC (Speakers will be given three (3) minutes to speak with a twenty (20) minute limit per topic)

4. CLOSED SESSION:

A. Readmission Recommendation for Student 17/18 – D

B. Readmission Recommendation for Student 17/18 - E

The Board went into CLOSED SESSION at 1:02 p.m.

5. OPEN SESSION:

A. Consider Readmission of Student 17/18 – D

B. Consider Readmission of Student 17/18 - E

The Board reconvened at 1:32 p.m. A motion was made by Mr. Gomez and seconded by Mrs. Bair to Readmit Student 17/18 – D and Student 17/18 – E to the Pierce Joint Unified School District. Voting Aye: Mr. Gomez, Mrs. Bair, and Mrs. Charter. Voting No: Mr. Green and Mr. Friel. Absent: None.

6. REPORTS:

A. Budget Report

Mrs. Geyer outlined the 2021/22 Pocket Budget – A Summary Analysis of the May Revision Proposal for the 2021/22 State Budget for California’s Schools prepared by School Services of California Inc. She reported on the new plans that the district will need to write to support new programs which includes an expanded TK program. There was discussion regarding the TK program. She reported that free meals for all students will continue through the 2021/22 school year. She also reported on the CTEIG grant and the new Expanded

Learning Opportunities program. There was further discussion regarding the Expanded Learning Opportunities. She gave a brief outline of how the Independent Study program may look next year. There was discussion regarding Independent Study.

The minutes from the June 7, 2021 PAC Meeting were submitted to the Board.

No report was given.

No report was given.

A motion was made by Mr. Gomez and seconded by Mrs. Bair to approve the Teacher Consent Form for John Allen - Chemistry. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None

Daena Meras outlined the budget revision. A motion was made by Mr. Green and seconded by Mr. Friel to approve Resolution #21/22 – 1: Budget Revision. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None

Daena Meras stated that this is the annual application for Federal funding. A motion was made by Mr. Friel and seconded by Mrs. Bair to approve the 2021/22 CARS Spring Reporting. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None

Mrs. Geyer commended Daena for her hard work on revising the COVID-19 Safety/Prevention Plan. There was discussion regarding the Safety/Prevention Plan and mask requirements for the 2021/22 school year. There was further discussion regarding requirements for vaccinated people vs. unvaccinated people and the new quarantine guidelines. Mrs. Geyer explained that this plan was required to be updated and that it could be revised again if guidelines change. There was further discussion regarding mask wearing and enforcement options. A motion was made by Mr. Gomez and seconded by Mr. Friel to approve the COVID – 19 Safety/Prevention Plan. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None

B. PAC Report

7. PJUEA (Pierce Joint Unified Educators Association) Report
8. CSEA (California School Employees Association) Report
9. Consider and approve **Teacher Consent Form** for:
 - A. John Allen - Chemistry
10. Consider and approve **Resolution #21/22 – 1: Budget Revision**
11. Consider and approve **2021/22 CARS Spring Reporting**
12. Consider and approve **COVID – 19 Safety/Prevention Plan**
13. Consider and approve **Consent Agenda:**
 - A. Minutes of June 17, 2021 Regular Board Meeting

- B. Minutes of June 21, 2021 Regular Board Meeting
- C. Warrant List for June 2021
- D. Interdistrict Transfers:
 - 1. Transferring OUT for the **2021/22 School Year**:
 - a. Two (2) Students to Woodland CA - continuing
 - b. Two (2) Students to Esparto CA – continuing
 - 2. Transferring In for the **2021/22 School Year**:
 - a. Three (3) Students from Williams CA - continuing
- E. Contracts:
 - 1. Medi-Cal Administrative Claiming Agreement with Sutter County Superintendent of Schools
 - 2. Agreement for Legal Services with Lozano Smith Attorneys at Law
 - 3. Professional Consulting Services Proposal from King Consulting

Mrs. Geyer gave examples of future district projects that King Consulting could help with. A motion was made by Mr. Green and seconded by Mrs. Bair to approve the Consent Agenda. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None

- 14. BOARD PLANNING:
 - A. Review of Board Policies:
 - 1. BP 1313 – Civility
 - 2. BP 4119.21 – Professional Standards
 - 3. BP/AR 5121 – Grades/Evaluation of Student Achievement
 - 4. BP 6141.5 – Advanced Placement

The Board reviewed Board Policies and Administrative Regulations A 1 – 4. They held discussion regarding the policies/administrative regulations and made suggestions for additions and exhibits.

- 15. Items to be agendized for next regular meeting

The next board meeting will be a special meeting on August 9th. Policies will be on the agenda for that meeting. The next regular board meeting will be held on August 19, 2021.

- 16. Superintendent’s Report

Mrs. Geyer reported there will be an ELD Planning Meeting on July 26th. The Admin Planning Day is July 27th where they will be working on notices to parents for independent study. The annual letter to staff will go out soon. Mrs. Bair asked about positions still open in the district. Mrs. Geyer responded that Social Studies teacher interviews were conducted today. Music and math are the only other

open positions at this time. She reported that a music teacher was hired at the high school.

No report was given.

17. Board President’s Report

18. CLOSED SESSION:

A. PUBLIC EMPLOYMENT: Pursuant to Government Code sec. 54957, the Board will meet in CLOSED SESSION to discuss employee matters:

| Certification | Position | Status |
|----------------------|--|---------------|
| Classified | Groundsworker | Resignation |
| Classified | Custodian/ Grounds/Bus Driver | Hiring |
| Classified | IT Student Helper (2) positions | Hiring |
| Classified | Summer School Para Educator | Hiring |
| Certificated | 7 th Grade Social Science Teacher | Resignation |
| Certificated | 8 th Grade Science Teacher | Hiring |
| Certificated | Summer School Teacher | Hiring |
| Certificated | Math Teacher | Hiring |
| Certificated | Ag Business Teacher | Hiring |
| Certificated | Summer School Vice-Principal (2) positions | Hiring |
| Classified | Summer School Cafeteria Helper (3) positions | Hiring |
| Certificated | Summer School Librarian (2) positions | Hiring |
| Classified | Summer School Custodian | Hiring |
| Certificated | K-8 Music Teacher | Hiring |
| Classified | After School Program Site Lead | Hiring |

B. PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE: Pursuant to Government Code sec. 54957, the Board will meet in CLOSED SESSION to discuss public employee discipline/dismissal/release

C. CONFERENCE WITH LABOR
 NEGOTIATOR: Pursuant to Government Code sec. 54957.6, the Board will meet in CLOSED SESSION to give direction to Agency Negotiator, Carol Geyer, regarding negotiations with PJUEA (Pierce Joint Unified Educators Association)

The Board went into CLOSED SESSION at 5:32 p.m.

19. OPEN SESSION - Report Action Taken in CLOSED SESSION

The Board reconvened at 6:19 p.m. and reported action taken on the following:

A. PUBLIC EMPLOYMENT: Pursuant to Government Code sec. 54957, the Board will meet in CLOSED SESSION to discuss employee matters: **A motion was made by Mr. Friel and seconded by Mr. Gomez to approve the PUBLIC EMPLOYMENT. Voting Aye: Mr. Gomez, Mr. Green, Mrs. Charter, Mrs. Bair, and Mr. Friel. Voting No: None. Absent: None**

| Certification | Position | Status |
|---------------|--|-------------|
| Classified | Groundswoker | Resignation |
| Classified | Custodian/ Grounds/Bus Driver | Hiring |
| Classified | IT Student Helper (2) positions | Hiring |
| Classified | Summer School Para Educator | Hiring |
| Certificated | 7 th Grade Social Science Teacher | Resignation |
| Certificated | 8 th Grade Science Teacher | Hiring |
| Certificated | Summer School Teacher | Hiring |
| Certificated | Math Teacher | Hiring |
| Certificated | Ag Business Teacher | Hiring |
| Certificated | Summer School Vice-Principal (2) positions | Hiring |
| Classified | Summer School Cafeteria Helper (3) positions | Hiring |
| Certificated | Summer School Librarian (2) positions | Hiring |
| Classified | Summer School Custodian | Hiring |
| Certificated | K-8 Music Teacher | Hiring |

| | | |
|------------|-----------------------------------|--------|
| Classified | After School Program Site Lead | Hiring |
|------------|-----------------------------------|--------|

B. PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL /
RELEASE: Pursuant to Government Code sec. 54957, the
Board will meet in CLOSED SESSION to discuss public
employee discipline/dismissal/release.
No ACTION was taken

C. CONFERENCE WITH LABOR NEGOTIATOR: Pursuant
to Government Code sec. 54957.6, the Board will meet in
CLOSED SESSION to give direction to Agency Negotiator,
Carol Geyer, regarding negotiations with PJUEA (Pierce
Joint Unified Educators Association)
No ACTION was taken

The Board adjourned at 6:20 p.m.

20. ADJOURN

Carol Geyer, Secretary to the Board
of Trustees

Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|--|-------------|--|-----------------|--------------|
| 00421818 | 07/09/2021 | ACSA | 01-5300 | C GEYER | | 1,757.43 |
| 00421819 | 07/09/2021 | ADVANCED BUILDING MAINTENANCE | 01-5800 | Floor Re-Waxing 2021 JJH | | 6,073.20 |
| 00421820 | 07/09/2021 | ALHAMBRA | 01-4300 | WATER SUPL | | 146.65 |
| 00421821 | 07/09/2021 | ASCD | 01-5300 | C GEYER MBRSHR RNWL | | 89.00 |
| 00421822 | 07/09/2021 | BELLWETHER | 01-4200 | Library Grant- books | | 3,810.47 |
| 00421823 | 07/09/2021 | CALIFORNIA SCHOOL BOARD ASSOC. | 01-5300 | CSBA MBRSHR RNWL 21/22 | 7,536.00 | |
| | | | | GAMUT RNWL 21/22 | 4,830.00 | 12,366.00 |
| 00421824 | 07/09/2021 | CALIFORNIANS TOGETHER | 01-4300 | Seal Of Biliteracy | | 168.88 |
| 00421825 | 07/09/2021 | CAPITOL ADVISORS GROUP, LLC | 01-5800 | Tech Consulting Services March-June 2021 | | 3,000.00 |
| 00421826 | 07/09/2021 | CARVALHO'S HEATING & AIR | 01-5800 | PHS REPAIRS | | 262.50 |
| 00421827 | 07/09/2021 | CASBO | 01-5300 | 21/22 ORG SUBSCRIPTION | | 1,750.00 |
| 00421828 | 07/09/2021 | CINTAS | 01-5800 | LINEN SUPL | 228.44 | |
| | | | 13-5800 | LINEN SUPL | 257.58 | 486.02 |
| 00421829 | 07/09/2021 | CONTRACT PAPER GROUP | 01-4300 | Copy Paper | | 1,422.14 |
| 00421830 | 07/09/2021 | CONTRIBUTE LLC dba PROGRESS ADVISER | 01-5800 | WALK THRU FEES | | 2,908.00 |
| 00421831 | 07/09/2021 | COSTCO MEMBERSHIP | 13-5300 | 21/22 MEMBERSHIP RNWL | | 60.00 |
| 00421832 | 07/09/2021 | COUGHLAN COMPANIES LLC CAPSTONE | 01-4200 | Library Grant | | 1,017.50 |
| 00421833 | 07/09/2021 | CPM EDUCATIONAL PROGRAM | 01-4200 | Pilot-Math Int III | | 1,283.87 |
| 00421834 | 07/09/2021 | DOCUMENT TRACKING SERVICES ATTN: AARON TARAZON | 01-5800 | DOC TRACKING SVC | | 1,850.00 |
| 00421835 | 07/09/2021 | EASTBAY | 01-4300 | Flex hats | | 806.20 |
| 00421836 | 07/09/2021 | ELB US INC | 01-4400 | 15 Prowise interactive whiteboard COVID | | 80,789.56 |
| 00421837 | 07/09/2021 | ENTERPRISE ELEMENTARY SD FOOD SERVICES | 13-5300 | 2021/2022 CO-OP RENEWAL | | 200.00 |
| 00421838 | 07/09/2021 | FAMILY ID INC | 01-5800 | 21/22 SUBSCRIPTION | | 1,420.00 |
| 00421839 | 07/09/2021 | FORECAST5 | 01-5800 | 21/22 5SIGHT LICENSE AGREEMENT | | 5,463.00 |
| 00421840 | 07/09/2021 | FRONTIER | 01-5800 | 10 additional user licenses for Mitel phone system | 1,599.30 | |
| | | | 01-5900 | ANNUAL MAINT CHARGE | 4,086.50 | 5,685.80 |
| 00421841 | 07/09/2021 | FRONTLINE TECHNOLOGIES GROUP | 01-5800 | 21/22 ANNUAL FEE | | 4,515.68 |
| 00421842 | 07/09/2021 | GENERAL PRODUCE COMPANY, LTD | 13-4700 | CAFE SUPL | | 2,042.85 |
| 00421843 | 07/09/2021 | HARRIS SCHOOL SOLUTIONS | 13-5800 | ETRITION POS | | 6,768.60 |
| 00421844 | 07/09/2021 | HD SUPPLY FACILITIES MAINT | 01-4300 | FILTER SUPL | 662.27 | |
| | | | | PROMPT PAY DISC | 98.97- | 563.30 |
| 00421845 | 07/09/2021 | ILLUMINATE EDUCATION INC | 01-5800 | DATA AND ASSESSMENT | | 8,686.78 |
| 00421846 | 07/09/2021 | INLAND BUSINESS SYSTEMS | 01-5650 | COPIER MAINT | 244.53 | |
| | | | 01-5800 | COPIER MAINT | 677.61 | 922.14 |
| 00421847 | 07/09/2021 | J-WALT CONSTRUCTION INC | 21-6200 | Alterations to Bldg, E at PHS | 128,886.67 | |
| | | | 25-6200 | Alterations to Bldg, E at PHS | 90,963.77 | 219,850.44 |

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

APPROVED: _____

Page 1 of 7

Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|--|--------------------|---|------------------------------|--------------|
| 00421848 | 07/09/2021 | KING CONSULTING INC | 01-5800 | SCHL FAC PROG SVCS | | 371.25 |
| 00421849 | 07/09/2021 | LINCOLN AQUATICS | 01-4300 | DRUM DEPOSIT RTN POOL SUPL | 480.00- 1,455.26 | 975.26 |
| 00421850 | 07/09/2021 | MOBILE DEFENDERS, LLC | 01-4300 | Repair parts for HP 11 G7 EE Chrome books | | 691.60 |
| 00421851 | 07/09/2021 | Muir, Sean | 01-5821 | LIVE SCAN FEE REIMB | | 30.00 |
| 00421852 | 07/09/2021 | MYSTERY SCIENCE DISCOVERY EDUCATION INC | 01-4200 | 21/22 Subscription Renewal- Mystery Science | | 1,249.00 |
| 00421853 | 07/09/2021 | NAVIGATE360, LLC | 01-5800 | Suite360 21/22 | | 6,000.00 |
| 00421854 | 07/09/2021 | ORLAND AUTO PARTS | 01-4300 | PARTS SUPL | | 616.03 |
| 00421855 | 07/09/2021 | PITNEY BOWES | 01-4300 | POSTAGE INK SUPL | | 112.58 |
| 00421856 | 07/09/2021 | PLATT ELECTRIC SUPPLY | 01-4300 | PARTS SUPL TRANS SUPL | 11.90 103.09 | 114.99 |
| 00421857 | 07/09/2021 | Povlsen, Ashlee | 01-5821 | LIVE SCAN FEE REIMB | | 30.00 |
| 00421858 | 07/09/2021 | RAPTOR TECHNOLOGIES DEPT 141 | 01-5800 | Raptor license renewal district wide | | 2,380.00 |
| 00421859 | 07/09/2021 | SCHOLASTIC BOOK CLUBS | 01-4200 | Lirbrary Grant books Replace Lost Library Books Covid | 108.32 157.66 | 265.98 |
| 00421860 | 07/09/2021 | SCHOLASTIC INC | 01-4200 | Replace Lost Library Books Covid | | 103.66 |
| 00421861 | 07/09/2021 | SCHOOL SPECIALTY LLC | 01-4300 | Supplies | | 58.98 |
| 00421862 | 07/09/2021 | SILICON VALLEY EDUCATION FNDTN | 01-5800 | ELEVATE SUMMER 2021 | | 77,000.00 |
| 00421863 | 07/09/2021 | STAPLES ADVANTAGE | 01-4300 01-4320 | OFC SUPL TONER SUPL Toner- office/library | 160.85 1,868.67 543.77 | 2,573.29 |
| 00421864 | 07/09/2021 | STEVENSON PEST CONTROL | 01-5800 | 20/21 Pest Control Fees | | 370.00 |
| 00421865 | 07/09/2021 | STRICTLY TECHNOLOGY LLC | 01-4400 | replacement laptop for principal PHS Quote 87565 | | 92.73 |
| 00421866 | 07/09/2021 | SUTTER BUTTES COMMUNICATIONS | 01-5900 | 21/22 Repeater Fees | | 788.70 |
| 00421867 | 07/09/2021 | SYTECH SOLUTIONS | 01-5800 | STORAGE MAR-JUNE 2021 | | 244.00 |
| 00421868 | 07/09/2021 | T-MOBILE | 01-5900 | 200 T-Mobile Hotspots Monthly Billing | | 2,000.00 |
| 00421869 | 07/09/2021 | TEACHERS COLLEGE READING & WRITING PROJECT | 01-5200 | Braud/ Argumentation and Flash Debate McInnis/Argumentation and Flash debate | 650.00 650.00 | 1,300.00 |
| 00421870 | 07/09/2021 | TIAA BANK | 01-5650 | COPIER LEASE | | 219.06 |
| 00421871 | 07/09/2021 | TOP TIER DATACOM INC | 01-5800 | AES REPAIRS | | 236.25 |
| 00421872 | 07/09/2021 | VERIZON WIRELESS | 01-5900 | Monthly cost data plan | | 5,113.33 |
| 00421873 | 07/09/2021 | VOLTAGE SPECIALISTS | 01-5800 | ANNUAL FIRE ALARM MONITORING FEE | | 1,050.00 |
| 00421874 | 07/09/2021 | Vujovich, David | 01-4300 | SCHL SUPL | | 83.93 |
| 00421875 | 07/09/2021 | WAXIE SANITARY SUPPLY | 01-4300 | FLOOR SUPL MO SUPL | 1,335.26 2,507.42 | 3,842.68 |

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Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|-------------------------------|-------------|--|-----------------|--------------|
| 00421876 | 07/09/2021 | WILLIAMS PIONEER REVIEW | 01-5820 | VACANCY AD | | 25.00 |
| 00422012 | 07/16/2021 | ACCESS INFORMATION MANAGEMENT | 01-5800 | SHRED SVC | | 64.42 |
| 00422013 | 07/16/2021 | AERIES SOFTWARE | 01-5800 | Aeries renewal | | 20,267.30 |
| 00422014 | 07/16/2021 | ALSCO GEYER ACE HARDWARE | 01-4300 | NTE - School Farm Supplies | 114.70 | |
| | | | | NTE Class/Shop Supplies (metal, wood, tools) | 105.53 | |
| | | | | NTE Wood & Welding Supplies for Class Projects | 90.88 | |
| | | | | PARTS SUPL | 701.23 | 1,012.34 |
| 00422015 | 07/16/2021 | ALSCO GEYER IRRIGATION INC | 01-4300 | MO SUPL | | 249.32 |
| 00422016 | 07/16/2021 | Ames, Alia | 01-5821 | LIVE SCAN FEE REIMB | | 30.00 |
| 00422017 | 07/16/2021 | AMPLIFIED IT | 01-5800 | Annual renewal Securly | 20,508.90 | |
| | | | | Renewal directprint licensing-COVID | 912.50 | 21,421.40 |
| 00422018 | 07/16/2021 | BIMBO BAKERIES USA | 13-4700 | CAFE BREAD SUPL | | 59.10 |
| 00422019 | 07/16/2021 | CAPITOL ADVISORS GROUP, LLC | 01-5800 | Consulting Services 21/22 | | 3,000.00 |
| 00422020 | 07/16/2021 | CARVALHO'S HEATING & AIR | 01-5800 | PHS REPAIRS | | 650.30 |
| 00422021 | 07/16/2021 | CDW-G | 01-4400 | Security cameras for PHS Corona Gym | | 5,173.09 |
| 00422022 | 07/16/2021 | COLUSA CO WATER WORKS DIST #1 | 01-5510 | JUNE WATER BASE FEE | | 120.00 |
| 00422023 | 07/16/2021 | COLUSA COUNTY ELECTIONS DEPT | 01-5860 | ELECTION SVC 11/2020 | | 3,556.98 |
| 00422024 | 07/16/2021 | CONTINENTAL ATHLETIC SUPPLY | 01-4300 | FB COVID Supplies | 1,091.27 | |
| | | | 01-5800 | Football Conditioning Supl | 1,532.88 | 2,624.15 |
| 00422025 | 07/16/2021 | DANIELSEN CO. | 13-4300 | CAFE SUPL | 8.00 | |
| | | | 13-4700 | CAFE SUPL | 2,505.09 | 2,513.09 |
| 00422026 | 07/16/2021 | Dorantes, Angela | 01-5200 | MILEAGE REIMB | | 21.28 |
| 00422027 | 07/16/2021 | DTSC ACCOUNTING UNIT | 01-5800 | ANNUAL EPA ID VERIFICATION | | 215.00 |
| 00422028 | 07/16/2021 | EVERMAP COMPANY, LLC | 01-4300 | Automailmerge software for Melanie | | 149.00 |
| 00422029 | 07/16/2021 | EWING IRRIGATION PRODUCTS INC | 01-4300 | MO SUPL | | 1,044.01 |
| 00422030 | 07/16/2021 | FLYERS ENERGY LLC DEPT #34516 | 01-4325 | FUEL SUPL | | 247.40 |
| 00422031 | 07/16/2021 | FRONTIER | 01-5900 | PHONE SVC | | 10,076.77 |
| 00422032 | 07/16/2021 | GENERAL PRODUCE COMPANY, LTD | 13-4700 | CAFE SUPL | | 1,085.45 |
| 00422033 | 07/16/2021 | GINNO CONSTRUCTION INC | 21-6200 | Constr. Agreement PHS Ag CTE Facility | | 23,682.70 |
| 00422034 | 07/16/2021 | HD SUPPLY FACILITIES MAINT | 01-4300 | STEEL SHELF PHS RM 3 | | 364.61 |
| 00422035 | 07/16/2021 | HOUGHTON MIFFLIN HARCOURT PUB | 01-5800 | Annual renewal Reading Counts | 4,905.00 | |
| | | | | Renewal HMHCO English 3D | 800.00 | 5,705.00 |
| 00422036 | 07/16/2021 | HUDL | 01-5800 | COVID - Hudl Subscriptions | | 31,164.64 |
| 00422037 | 07/16/2021 | HYLEN DISTRIBUTING | 13-4700 | CAFE MILK SUPL | | 3,098.74 |
| 00422038 | 07/16/2021 | INCIDENT IQ | 01-5800 | Renewal incident IQ-COVID | | 4,629.00 |
| 00422039 | 07/16/2021 | INLAND BUSINESS SYSTEMS | 01-5650 | COPIER MAINT | | 123.82 |

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Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|--|-------------|---|-----------------|--------------|
| 00422040 | 07/16/2021 | IXL LEARNING | 01-5800 | IXL license renewal JJH -3 Years | | 9,214.00 |
| 00422041 | 07/16/2021 | LINCOLN AQUATICS | 01-4300 | DRUM RETURN | 300.00- | |
| | | | | POOL SUPL | 1,341.13 | 1,041.13 |
| 00422042 | 07/16/2021 | Martinez, Mikenzie | 01-5821 | LIVE SCAN FEE REIMB | | 10.00 |
| 00422043 | 07/16/2021 | PACIFIC GAS & ELECTRIC | 01-5530 | BUS CHARGING STATION | 561.39 | |
| | | | | GAS ELECTRIC | 3,580.27 | 4,141.66 |
| 00422044 | 07/16/2021 | RECOLOGY BUTTE COLUSA COUNTIES | 01-5520 | DISPOSAL SVC | | 3,991.95 |
| 00422045 | 07/16/2021 | SCHOOL SPECIALTY LLC | 01-4300 | Office supplies | 374.32 | |
| | | | | Supplies | 419.93 | |
| | | | | Supply order | 438.63 | 1,232.88 |
| 00422046 | 07/16/2021 | STRICTLY TECHNOLOGY LLC | 01-4400 | 21 replacement PCs PHS KBD LAB COVID | 44,977.43 | |
| | | | 01-5800 | Adobe annual license renewal district wide | 10,909.00 | 55,886.43 |
| 00422047 | 07/16/2021 | TRI-COUNTY SCHOOLS INS GROUP | 01-3402 | JULY HLTH | 10,331.00 | |
| | | | 01-5822 | TB ASSESSMENT | 30.00 | |
| | | | 01-9514 | JULY HLTH | 16,952.00 | 27,313.00 |
| 00422048 | 07/16/2021 | U.S. BANK CORP PAYMENT SYS | 01-4300 | LIVEBINDERS-SUBSCRIPTION | 34.95 | |
| | | | | UNIVERSAL LIMO-GEAR UP 8TH GRADE CHARTER | 1,495.00 | |
| | | | | UNIVERSAL LIMO-GEARUP 8TH GRADE CHARTER | 1,570.00 | |
| | | | 01-5200 | SAC STATE-AP SUMMER INSTITUTE | 625.00 | |
| | | | 01-5800 | FEDERAL MOTOR-CLEARINGHOUSE | 25.00 | |
| | | | | L&M RENTAL FENCE-AES PROJ FENCE RENTAL | 499.20 | 4,249.15 |
| 00422049 | 07/16/2021 | ULINE | 01-4300 | STORAGE RACKS | | 1,696.77 |
| 00422050 | 07/16/2021 | VERIZON WIRELESS | 01-5900 | PHONE SVC | | 675.73 |
| 00422051 | 07/16/2021 | WAXIE SANITARY SUPPLY | 01-4300 | 582.37 | 582.37 | |
| | | | | MO SUPL | 53.84 | 636.21 |
| 00422052 | 07/16/2021 | WWF CONTRACTORS CORP | 01-5800 | LABOR/INSTALL DRINKING FOUNTAINS | | 6,489.16 |
| 00422184 | 07/23/2021 | ARBUCKLE PUBLIC UTILITY DIST | 01-5510 | RENTALS/WATER SEWER | 50.00 | |
| | | | | WATER SEWER | 6,877.00 | 6,927.00 |
| 00422185 | 07/23/2021 | CA DEPT OF TAX AND FEE ADMIN | 01-4325 | DSL FUEL EXEMPT REPORT | | 17.00 |
| 00422186 | 07/23/2021 | CHARLIE'S ELECTRIC INC CHARLES J. MEYERS | 01-6200 | Relocate 20KW Gen and Connect 2 Freezer Boxes | | 2,991.88 |
| 00422187 | 07/23/2021 | CLEARLAKE LAVA, INC | 01-4300 | PHS ROCK/GRAVEL | | 423.64 |
| 00422188 | 07/23/2021 | DEMCO INC | 01-4300 | Reading Counts Dots | | 41.69 |
| 00422189 | 07/23/2021 | DEPARTMENT OF JUSTICE ACCOUNTING OFC | 01-5821 | ADDITIONAL APRIL FINGERPRINT FEES | 49.00 | |
| | | | | JUNE FINGERPRINT FEES | 290.00 | 339.00 |

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Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|-----------------------------------|-------------|---------------------------------------|-----------------|--------------|
| 00422190 | 07/23/2021 | Dorantes, Angela | 01-5200 | MILEAGE REIMB | | 21.28 |
| 00422191 | 07/23/2021 | GROW WEST | 01-4300 | ORCHARDS SUPL | | 240.76 |
| 00422192 | 07/23/2021 | HIGBYS COUNTRY FEED INC | 01-4300 | NTE - Farm Supplies | | 434.10 |
| 00422193 | 07/23/2021 | LOZANO SMITH LLP | 01-5870 | JUNE SVCS | | 236.00 |
| 00422194 | 07/23/2021 | Mingarelli, Melissa | 01-4200 | TCHR SUPL | | 20.91 |
| 00422195 | 07/23/2021 | NWEA | 01-5800 | 21/22 MAP Growth Quote#42882 | | 32,987.50 |
| 00422196 | 07/23/2021 | PACIFIC GAS & ELECTRIC | 01-5530 | GAS ELECTRIC | | 22,448.02 |
| 00422197 | 07/23/2021 | PLATT ELECTRIC SUPPLY | 01-4300 | PARTS | | 23.08 |
| 00422198 | 07/23/2021 | SAN JOAQUIN COUNTY OF ED | 01-5800 | 21/22 EDJOIN FEES | | 800.00 |
| 00422199 | 07/23/2021 | STRICTLY TECHNOLOGY LLC | 01-4300 | Replacement screen laptop, quote 2097 | 208.07 | |
| | | | | PACO | | |
| | | | 01-5800 | Quote 87352 White Glove services | 7,160.00 | 7,368.07 |
| | | | | Chromebooks | | |
| 00422200 | 07/23/2021 | SUTTER BUTTES FIRE EXTING CO | 01-5800 | ANNUAL SVC | | 1,835.30 |
| 00422201 | 07/23/2021 | SYNCB/AMAZON | 01-4200 | COVID Book club Taylor-JJH | 1,481.76 | |
| | | | 01-4300 | Class supplies | 19.26 | |
| | | | | Covid Counseling Needs SEL Grant | 1,094.84 | |
| | | | | Office | 153.28 | |
| | | | | SEL Grant Supplies | 935.88 | |
| | | | | Summer Academy supplies | 15.32 | |
| | | | | Supplies for DL students-COVID AES | 33.56 | |
| | | | | Supply order | 188.12 | 3,922.02 |
| 00422202 | 07/23/2021 | SYNTHESIS PARTNERS, LLC | 21-6200 | A&E Design Services - PHS CTE Ad | | 9,560.00 |
| | | | | Learning Ctr | | |
| 00422203 | 07/23/2021 | TOP TIER DATACOM INC | 01-5800 | Network drop repairs | | 418.75 |
| 00422204 | 07/23/2021 | UMPQUA BANK CORPORATE REAL ESTATE | 01-5600 | AUGUST RENT 3901FAC1 | | 550.00 |
| 00422205 | 07/23/2021 | WALLACE SAFE & LOCK | 01-4300 | KEY SUPL | | 60.26 |
| 00422206 | 07/23/2021 | WASHBURN AG SERVICES | 01-4300 | Farm Supplies, Feed, etc | | 847.59 |
| 00422207 | 07/23/2021 | WAXIE SANITARY SUPPLY | 01-4300 | MO SUPL | | 1,546.33 |
| 00422208 | 07/23/2021 | White, Michele A | 01-5200 | GIE MILEAGE | | 14.56 |
| 00422209 | 07/23/2021 | WILLIAMS PIONEER REVIEW | 01-5820 | VACANCY ADS | | 40.00 |
| 00422210 | 07/23/2021 | YUBA SUTTER CHIROPRACTIC | 01-5800 | DOT PHYSICAL | | 65.00 |
| 00422305 | 07/30/2021 | CA DEPARTMENT OF EDUCATION | 13-5800 | 20/21 SCHL NUTRITION PROG OVERPMT | | 28,146.70 |
| 00422306 | 07/30/2021 | CALIFORNIA'S VALUED TRUST | 01-3401 | AUGUST HLTH | 9,488.14 | |
| | | | 01-9514 | AUGUST HLTH | 134,182.04 | 143,670.18 |
| 00422307 | 07/30/2021 | CDW-G | 01-4400 | Security cameras for PHS Corona Gym | | 6,390.38 |
| 00422308 | 07/30/2021 | COLUSA CO ENVIRONMENTAL HEALTH | 01-5800 | CAFE/POOL/HAZ PERMIT FEES-PHS | 273.00 | |
| | | | 13-5800 | CAFE PERMIT FEES-AES | 196.00 | |

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APPROVED

Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|-------------------------------|------------|--------------------------------|-------------|--|-----------------|---------------------|
| 00422308 | 07/30/2021 | COLUSA CO ENVIRONMENTAL HEALTH | 13-5800 | CAFE PERMIT FEES-GIE | 196.00 | |
| | | | | CAFE PERMIT FEES-JJH | 196.00 | |
| | | | | CAFE/POOL/HAZ PERMIT FEES-PHS | 196.00 | 1,057.00 |
| 00422309 | 07/30/2021 | Dorantes, Angela | 01-5821 | MILEAGE REIMB | | 21.28 |
| 00422310 | 07/30/2021 | FLYERS ENERGY LLC DEPT #34516 | 01-4325 | FUEL SUPL | | 1,141.48 |
| 00422311 | 07/30/2021 | GOLD STAR FOODS | 13-4700 | APR-SLIC STATE FEES | 2.70 | |
| | | | | MAY-SLIC STATE FEES | 8.10 | 10.80 |
| 00422312 | 07/30/2021 | Mingarelli, Melissa | 01-4300 | SUMMER SCHL SUPL | 105.14 | |
| | | | | TCHR SUPL | 12.86 | 118.00 |
| 00422313 | 07/30/2021 | MR/MRS BRIAN STONE | 13-8634 | LUNCH ACCT REFUND-P STONE | | 82.90 |
| 00422314 | 07/30/2021 | NWEA | 01-5800 | 21/22 MAP ACCELERATOR | | 21,137.75 |
| 00422315 | 07/30/2021 | PLEASANT AIR COMPANY | 01-4300 | FILTER SUPL | | 3,799.87 |
| 00422316 | 07/30/2021 | POLAR KING INTERNATIONAL INC | 01-6200 | New Freezer Box - PHS | | 41,688.77 |
| 00422317 | 07/30/2021 | SCHOOL SAFETY SOLUTIONS | 01-5800 | 21/22 Haz Inventory Training | | 2,500.00 |
| 00422318 | 07/30/2021 | SCHOOL SPECIALTY LLC | 01-4300 | Classroom Supplies | 201.82 | |
| | | | | HW Folder/Writing Binders | 659.37 | |
| | | | | Office supplies | 35.26 | |
| | | | | PO21-00520 | 9.27 | |
| | | | | PO21-00521 | 7.30 | |
| | | | | PO21-00530 | 20.90 | |
| | | | | Supplies | 1,170.47 | |
| | | | | Supply order | 120.19 | 2,224.58 |
| 00422319 | 07/30/2021 | TEACHER CREATED RESOURCES | 01-4300 | Bulletin board supplies | 204.60 | |
| | | | | Classroom supplies | 114.06 | 318.66 |
| 00422320 | 07/30/2021 | TEACHER DIRECT | 01-4300 | Office Cubby | 152.20 | |
| | | | | Unpaid Sales Tax | 10.29- | 141.91 |
| 00422321 | 07/30/2021 | TERRACON CONSULTANTS INC | 01-6200 | Geotechnical Tests & Report (Shade Str. AES/JJH) | | 5,360.00 |
| 00422322 | 07/30/2021 | TRI-COUNTY SCHOOLS INS GROUP | 01-3402 | AUGUST HLTH | 10,331.00 | |
| | | | 01-9514 | AUGUST HLTH | 16,952.00 | 27,283.00 |
| 00422323 | 07/30/2021 | WAXIE SANITARY SUPPLY | 01-4300 | MO SUPL | | 762.60 |
| 00422324 | 07/30/2021 | Willison, Megan M | 01-4300 | SUMMER SCHL SUPL | | 95.34 |
| Total Number of Checks | | | | | 147 | 1,123,162.23 |

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Checks Dated 07/01/2021 through 07/31/2021

| Check Number | Check Date | Pay to the Order of | Fund-Object | Comment | Expensed Amount | Check Amount |
|--------------|------------|---------------------|-------------|---------|-----------------|--------------|
|--------------|------------|---------------------|-------------|---------|-----------------|--------------|

Fund Summary

| Fund | Description | Check Count | Expensed Amount |
|---------------------------------|--------------------------------|-------------|---------------------|
| 01 | General Fund/county Sch.srv.fc | 133 | 824,969.57 |
| 13 | Cafeteria Fund | 13 | 45,109.81 |
| 21 | Building Fund | 3 | 162,129.37 |
| 25 | Capital Facilities Fund | 1 | 90,963.77 |
| Total Number of Checks | | 147 | 1,123,172.52 |
| Less Unpaid Sales Tax Liability | | | 10.29 |
| Net (Check Amount) | | | <u>1,123,162.23</u> |

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048

CSBA POLICY GUIDE SHEET

June 2021

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

Administrative Regulation 1312.3 - Uniform Complaint Procedures

Regulation updated to correct the timeline in the "Notifications" section for submitting appeals to the California Department of Education (CDE), as specified in state regulations. Section on "Investigation of Complaint" revised to clarify that state regulations regarding the consequences of a respondent's failure to cooperate in an investigation only apply when the respondent is the district. Additional revisions, including expansion of the section "Health and Safety Complaints in License-Exempt Preschool Programs," made to more directly reflect the standards in CDE's Federal Program Monitoring instrument.

NEW - Board Policy 1313 - Civility

New policy addresses the importance of civility to the effective operation of the district, including its role in creating a positive school climate and enabling a focus on student well-being, learning, and achievement. Policy includes First Amendment free speech considerations, behavior that constitutes civil behavior, practices that promote civil behavior, and authorization to educate or provide information to students, staff, parents/guardians, and community members to assist in the recognition, development, and demonstration of civil behavior. Policy also includes material regarding behavior that is disruptive, hinders the orderly conduct of district operations or programs, or creates an unsafe learning or working environment, as well as the prohibition of, and consequences for, behavior which is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence.

Board Policy 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers

Policy updated to clarify the obligation of drivers to submit to drug and alcohol testing as required under federal law. Section on "Consequences Based on Test Results" updated to (1) add the agency responsible for reviewing and approving district requests to temporarily remove a driver from safety-sensitive functions before drug test results are verified by a certified medical review officer and (2) describe consequences that will be imposed on drivers based on findings of specific concentrations of alcohol. Policy also clarifies the requirement to ensure that a driver who is offered an opportunity to return to work following a violation first receive an evaluation by a qualified substance abuse professional and successfully comply with the evaluation recommendations.

Administrative Regulation 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers

Regulation updated to clarify that marijuana remains an illegal drug under the federal Controlled Substances Act and use of it by a driver remains a violation of federal drug testing regulations. Definition of "alcohol concentration" revised to delete information regarding consequences for drivers based on specific alcohol concentrations, now addressed in the BP. Regulation also expands the responsibilities of the designated employer representative pursuant to federal regulations, clarifies requirements pertaining to pre-employment testing including the requirement to conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse, and reflects additional requirements related to post-accident testing. New section reflects federal regulations which require districts to report any violation of federal drug and alcohol regulations to the Clearinghouse and conduct inquiries of the Clearinghouse's online database for all drivers employed by the district on an annual basis and before hiring any driver.

Board Policy 4141/4241 - Collective Bargaining Agreement

Revised policy reflects court decision holding that a provision in a collective bargaining agreement that directly conflicts with the Education Code cannot be enforced. Policy also adds language clarifying that, whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail.

Board Policy 4158/4258/4358 - Employee Security

Policy updated to reflect law authorizing a district to petition, on behalf of an employee, for a gun violence restraining order prohibiting a person from owning, purchasing, possessing, or receiving a firearm. Policy also reflects law requiring a district to provide reasonable accommodations, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. Policy adds a requirement of law to inform administrators and counselors, along with teachers, regarding certain crimes and offenses committed by students.

Administrative Regulation 4158/4258/4358 - Employee Security

Regulation updated to more directly reflect law requiring a report to law enforcement of any attack, assault, or physical threat made against an employee by a student. Material in section on "Notice Regarding Student Offenses" reorganized to clarify the required notifications that must be made to staff pertaining to (1) student offenses that are grounds for suspension or expulsion and (2) any report received from a court that a student has been found to have committed a felony or misdemeanor involving specified offenses. In that section, paragraph on notifications that may be provided by a district police or security department deleted and moved into Note since its applicability is limited. New section on "Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking" reflects law requiring a district to provide reasonable accommodations, including, but not limited to, safety procedures or adjustments to a job structure, workplace facility, or work requirement, upon the request of an employee who is a victim of domestic violence, sexual assault, or stalking.

Board Policy 5141.4 - Child Abuse Prevention and Reporting

Board policy updated to clarify that districts are not required, but are authorized, to include age-appropriate and culturally sensitive child abuse prevention curriculum in the instructional program, add material regarding displaying posters on campus notifying students of the appropriate telephone number to call to report child abuse or neglect, include the requirement for student identifications cards for students in grades 7-12 to include the National Domestic Hotline telephone number, and clarify that the training regarding duties of mandated reporters be according to law and administrative regulation.

Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting

Regulation updated to reflect **NEW LAW (AB 1145, 2020)** which amends the definition of sexual assault for purposes of mandated reporting to not include voluntary conduct in violation of Penal Code 286, 287, or 289 (sodomy, oral copulation, or sexual penetration) if there are no indicators of abuse unless such conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age. Regulation also adds licensees of licensed child day care facilities to the list of mandated reporters, reflects that the California Department of Justice form is now titled BCIA 8572, clarifies that when a staff member or volunteer aide is selected by a child to be present at an interview where child abuse is being investigated that the principal or designee inform the person of specified requirements prior to the interview, and reflects **NEW STATE REGULATION (Register 2020, No. 21)** which authorizes parents/guardians of special education students to file a complaint with CDE for safety concerns that interfere with the provision of a free appropriate public education pursuant to 5 CCR 3200-3205 rather than through uniform complaint procedures.

Board Policy 5141.52 - Suicide Prevention

Policy updated to expand material regarding stakeholder engagement and best practices for suicide prevention, intervention, and postvention, and for consistency with CDE's Model Youth Suicide Prevention Policy, including an enhanced list of participants for staff development, the importance of resiliency skills to student instruction, the review of materials and resources for alignment with safe and effective messaging, information to be provided to parents/guardians and caregivers, and the establishment of district and/or school site crisis intervention team(s). Policy also updated to clarify that the policy may be reviewed more frequently than the five-year review requirement of law, and that district data pertaining to reports of suicidal ideation, attempts, or death and data that reflect school climate be periodically reviewed to aid in program development.

Administrative Regulation 5141.52 - Suicide Prevention

Regulation updated to expand the section on "Staff Development" by adding to the list of participants for suicide prevention training, topics to be included in such training, and additional professional development for specified groups and to enhance the section on "Instruction" by adding to the list of topics to be taught and authorizing the development and implementation of school activities that raise awareness about mental health wellness and suicide prevention. Regulation also updated to include, for districts that have crisis intervention teams, the contact information for district and/or school site crisis intervention team members, add that school counselors may disclose a student's personal information to report child abuse and neglect as required by law, and include providing comfort to a student who has attempted or threatened to attempt suicide.

Board Policy 5142.2 - Safe Routes to School Program

Policy updated to clarify potential liability issues, recognize that active transportation positively impacts student achievement, add material regarding equitable access and opportunity to participate in the district's safe routes to school program, and update information about state and federal grant programs.

Administrative Regulation 5142.2 - Safe Routes to School Program

Regulation updated to reflect current strategies recommended by the U.S. Department of Transportation's Federal Highway Administration and National Center for Safe Routes to School to improve student safety along routes to school and to promote walking, bicycling, and forms of active transport to school. Regulation adds that active transportation positively impacts student achievement; clarifies that offering driver safety information to high school students, parents/guardians, and the community promotes safety around school campuses and routes; and adds strategies related to emerging technologies that aid in the prevention and mitigation of accidents, emergency response in managing injuries after an accident occurs, and equity, such that resources are distributed in a manner that provides safe access and participation in an equitable manner.

Board Policy 5145.12 - Search and Seizure

Policy updated to reflect court decision upholding a school policy that called for limited searches without individualized suspicion if students left campus and returned in the middle of the day. Policy also updated to reflect law which places restrictions on searches of electronic devices such as cellular phones, court decision regarding searches of lockers without individualized suspicion, and court decision upholding policy of random weapons screening with a handheld metal detector.

Board Policy 5145.9 - Hate-Motivated Behavior

Policy updated to bolster the governing board's commitment to providing a respectful, inclusive, and safe learning environment, including adding a definition of hate-motivated behavior which incorporates a list of characteristics which may motivate prohibited behavior, reflecting the importance of celebrating diversity, enhancing the list of topics for student instruction and staff development, adding material regarding regularly occurring staff training, and including student and staff discipline for engaging in hate-motivated behavior. Policy also updated to include the requirement to post the policy in a prominent location on the district's web site and add that, in addition to other staff listed, complaints may be reported to the district's compliance officer.

Board Policy 5148 - Child Care and Development

Policy updated to reflect **NEW LAW (SB 98, 2020)** which transfers responsibility for state administration of child care and development programs from CDE to the California Department of Social Services (CDSS) effective July 1, 2021. Information about the Child Care Facilities Revolving Fund deleted as the fund is no longer operative. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which retain the requirement to refer health and safety complaints regarding licensed child care and development programs to CDSS but eliminate the requirement that complaints regarding a license-exempt facility be referred to a Child Development regional administrator.

Administrative Regulation 5148 - Child Care and Development

Regulation updated to reflect **NEW LAW (SB 98, 2020)** which transfers responsibility for state administration of child care and development programs from CDE to CDSS effective July 1, 2021. Regulation also contains information about the delay, due to COVID-19, of CDSS' adoption of regulations implementing a new, single license for infant, toddler, preschool, and school-age child care programs. References to the Desired Results Developmental Profile made more general to account for possible future changes in program requirements. New section on "Health and Safety" adds requirement for licensed centers to test drinking water for lead contamination between January 1, 2020 and January 1, 2023 if the building was constructed before January 1, 2010, and to notify parents/guardians of the test results. Section on "Health Examination and Immunizations" expanded to reflect the requirement that a child care center may only accept a medical exemption request that is made on an electronic, standardized form developed by the California Department of Public Health.

Board Policy 6142.5 - Environmental Education

Policy updated to reflect law which required that the state-adopted environmental principles and concepts be integrated into content standards, curriculum frameworks, and textbook criteria. Policy also reflects legislative intent that governing boards undertake specified actions to promote instruction in environmental literacy, including by embedding environmental literacy in the local priorities addressed in the district's local control and accountability plan, collaborating with other agencies to enhance the environmental curriculum, providing professional development in environmental literacy, and ensuring equity in the provision of environment-based learning opportunities.

Administrative Regulation 6162.51 - State Academic Achievement Tests

Regulation updates information regarding administration of the California Assessment of Student Performance and Progress, including provisions that: (1) the district may administer the California Science Test (CAST) in any of grades 10-12, (2) the California Alternate Assessments in science should be administered to students with significant cognitive disabilities who are unable to take the CAST with accommodations, and (3) the California Spanish Test is the primary language assessment that is available to be administered to English learners. Regulation also adds optional language regarding the use of Smarter Balanced interim and formative assessments to provide timely feedback regarding students' progress and assist teachers in continually adjusting instruction to improve learning. Testing windows and testing variations updated to reflect current state regulations, as renumbered.

Board Policy 7211 - Developer Fees

Policy updated to include material formerly in the AR pertaining to responsibilities of the board with respect to levying developer fees, such as conducting a fee justification study, holding a public hearing, and adopting a board resolution. Policy also clarifies the applicability of Government Code 65997, which became operative due to the failure of state bond measure Proposition 13 in March 2020 and gives districts the flexibility to deny or refuse a legislative act involving the planning, use, or development of real property, other than requiring a fee in excess of the fee imposed by law. Policy addresses factors that must be included in the fee justification study based on recent court decision.

Administrative Regulation 7211 - Developer Fees

Regulation revised to delete board responsibilities pertaining to the imposition of developer fees, now addressed in the BP, and to require the superintendent or designee to provide specified information regarding capital facilities accounts to the board as well as the public.

CSBA Sample Administrative Regulation

Community Relations

AR 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Note: 5 CCR 4621 **mandates** that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 **mandates** districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP), and Education Code 8235.5 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP). Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination, **(such as discriminatory harassment, intimidation, or bullying)**. For example, all districts are **mandated** pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are **mandated** pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, children of military families, migrant students, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in **BP 1312.3 the accompanying Board policy**.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, **(such as discriminatory harassment, intimidation, or bullying)** and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the lead compliance officer.

UNIFORM COMPLAINT PROCEDURES (continued)

The following paragraph specifies that the compliance officer will be the same person designated to serve as the Title IX Coordinator for addressing complaints of sexual harassment pursuant to AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Districts may modify this regulation to designate different district employees to serve these functions.

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, ~~(such as discriminatory~~ harassment, intimidation, or bullying) and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaints Procedures)

Superintendent
 (title or position)
Pierce District Office
 (unit or office)
540A 6th St, Arbuckle CA 95912
 (address)
530-476-2892
 (telephone number)
Cgeyer@Pierce.K12.CA.US
 (email)

Note: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, ~~if applicable,~~ if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

UNIFORM COMPLAINT PROCEDURES (continued)

Note: 5 CCR 4621 **mandates** that the district's policy require employees responsible for compliance and/or for investigating and resolving complaints to be knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. **They Compliance officers** must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program;; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, **(such as discriminatory harassment, intimidation, or bullying);;** applicable standards for reaching decisions on complaints;; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during **and pending the result of** an investigation **and while the result is pending**. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

UNIFORM COMPLAINT PROCEDURES (continued)*(cf. 0420 - School Plans/Site Councils)**(cf. 1220 - Citizen Advisory Committees)**(cf. 4112.9/4212.9/4312.9 - Employee Notifications)**(cf. 5145.6 - Parental Notifications)*

Note: 5 CCR 4622 requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. The following list reflects those required components and additional content of the notice listed in CDE's FPM instrument.

A sample of the annual notice is available through CDE's web site. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, **except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying**, must be filed no later than one year from the date the alleged violation occurred
4. A statement that, **in the case of a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, a UCP complaint** must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3260 - Fees and Charges)

7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) for programs within the scope of the UCP by filing a written appeal, including a copy of the original complaint and the district's decision, within ~~15~~ 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting anti-discrimination, harassment, intimidation, or bullying laws, if applicable
11. A statement that copies of the district's UCP are available free of charge

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

UNIFORM COMPLAINT PROCEDURES (continued)

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on the balancing of four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's **UCP** policy, regulation, forms, and notices **concerning the UCP** shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

Note: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination, **(such as discriminatory harassment, intimidation, or bullying)** may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

UNIFORM COMPLAINT PROCEDURES (continued)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 and 52075 **mandate** districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.

Note: Pursuant to 5 CCR 4630, **as amended by Register 2020, No. 21**, complaints related to the LCAP must be filed within a year of the date that the reviewing authority approves the district's LCAP. Pursuant to Education Code 52070, the County Superintendent of Schools is the reviewing authority for district LCAPs.

3. A UCP complaint, **except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying**, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, **(such as discriminatory harassment, intimidation, or bullying)** may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. **(5 CCR 4630)**
5. **The A** complaint **alleging unlawful discrimination, harassment, intimidation, or bullying** shall be initiated no later than six months from the date that the alleged

UNIFORM COMPLAINT PROCEDURES (continued)

unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

- 5.6.** When a complaint alleging unlawful discrimination, ~~(such as discriminatory harassment, intimidation, or bullying)~~ is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that the complainant's name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. The OCR publication acknowledges that situations may exist in which a district cannot honor a student's request for confidentiality, but cautions that, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault. These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

- 6.7.** When ~~the a~~ complainant of unlawful discrimination, ~~(such as discriminatory harassment, intimidation, or bullying)~~ or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. **The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.**

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation **to resolve the complaint**. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

UNIFORM COMPLAINT PROCEDURES (continued)

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to ~~make the mediator a party to~~ **permit the mediator access to all** relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

Note: In the investigation, the compliance officer should consider all relevant circumstances, such as how the **alleged** misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses

UNIFORM COMPLAINT PROCEDURES (continued)

with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform **both the** parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, **(such as discriminatory harassment, intimidation, or bullying)**, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or **engagement in** any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. **Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631) In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation** Failure or refusal of the district to cooperate in the **investigation** may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Note: Pursuant to 5 CCR 4631, the district's investigation report must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Pursuant to 5 CCR 4631, only a complainant has the right to receive the investigation report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has

UNIFORM COMPLAINT PROCEDURES (continued)

recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination to ensure the process is equitable for all involved. Furthermore, OCR recommends notifying the respondent in such a complaint whenever the complainant approves an extension of the timeline. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice.

Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, ~~(such as discriminatory~~ harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

OPTION 2:

Note: The remainder of this section is for use by districts that select Option 2.

Unless extended by written agreement with the complainant, the investigation report shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

(cf. 9321 - Closed Session)

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

UNIFORM COMPLAINT PROCEDURES (continued)

For any complaint alleging unlawful discrimination, ~~(such as discriminatory~~ harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's investigation report, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Investigation Report

Note: 5 CCR 4631, ~~as amended by Register 2020, No. 21,~~ specifies components that ~~should~~ **are required** to be part of the district's investigation report. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1-99.67) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC 1221, FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), now the Student Privacy Protection Office, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the sanctions imposed upon the ~~offender~~ **respondent** when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the ~~alleged student offender~~ **respondent** (e.g., an order that the

UNIFORM COMPLAINT PROCEDURES (continued)

~~alleged-offender~~ **respondent** stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the ~~offender~~-**respondent**.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, ~~(such as discriminatory~~ harassment, intimidation, and bullying), notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. ~~During the FPM process, CDE staff will check to ensure compliance with this requirement.~~ **During the FPM process, CDE staff will check to ensure that UCP complaint procedures pertaining to CSPP health and safety issues include a statement that the district response and the investigation report must, whenever Education Code 48985 is applicable, be written in English and the primary language in which the complaint was filed; see the section "Health and Safety Complaints in License-Exempt Preschool Programs" below. The following paragraph extends this provision to all types of complaints to ensure compliance with Education Code 48985. In addition, b**Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian ~~and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English,~~ then the **district's response, if requested by the complainant, and the investigation report shall also be translated into that language, pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency be written in English and the primary language in which the complaint was filed.**

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination, ~~based on state law~~ ~~(such as discriminatory~~ harassment, intimidation, and bullying) **based on state law**, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)

UNIFORM COMPLAINT PROCEDURES (continued)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

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

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

(cf. 5137 - Positive School Climate)

For complaints involving retaliation or unlawful discrimination, ~~(such as discriminatory harassment, intimidation, or bullying)~~, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice

UNIFORM COMPLAINT PROCEDURES (continued)

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving of retaliation or unlawful discrimination, ~~(such as discriminatory harassment, intimidation, or bullying)~~ involving a student as the respondent, appropriate corrective actions that focus on a student offender may be provided to the student may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. 5144 - Discipline)

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

When an employee is found to have committed retaliation or unlawful discrimination, ~~(such as discriminatory harassment, intimidation, or bullying)~~, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, ~~(such as discriminatory harassment, intimidation, or bullying)~~, that the district does not tolerate it, and how to report and respond to it.

UNIFORM COMPLAINT PROCEDURES (continued)

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code 49013 and 5 CCR 4600, if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements pursuant to Education Code 52075, **noncompliance with** required instructional minutes for physical education pursuant to Education Code 51222 and 51223, **and course periods without educational content pursuant to Education Code 51228.3**. Districts that do not maintain elementary schools should delete the reference to physical education below.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, **51228.3**, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district, **by engaging in reasonable efforts**, shall attempt in good faith, **by engaging in reasonable efforts**, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Note: **5 CCR 4632-4633 provide that complainants may appeal to CDE if they disagree with the district's decision on any matter within the scope of the UCP, as provided below. As amended by Register 2020, No. 21, 5 CCR 4632 changes the timeline for filing an appeal to CDE from 15 calendar days to 30 calendar days.**

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

Note: **5 CCR 4632, as amended by Register 2020, No. 21, expands the bases upon which an appeal may be filed with CDE.**

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including **as at** least one of the following: (5 CCR 4632)

UNIFORM COMPLAINT PROCEDURES (continued)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Note: 5 CCR 4633, as amended by Register 2020, No. 21, requires the district to submit the following documents to CDE within 10 days after the district has been notified that an appeal has been filed. The district's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the district.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

Note: Pursuant to 5 CCR 4632, as amended by Register 2020, No. 21, if CDE determines that the district's investigation report failed to address an allegation raised by the complaint and subject to the UCP process, CDE will notify the district and direct the district to investigate and address such allegation(s) as follows.

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not

UNIFORM COMPLAINT PROCEDURES (continued)

addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Note: Pursuant to 5 CCR 4633, CDE is required to issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal, unless extended by written agreement with the appellant or documentation by CDE of exceptional circumstances. Within 30 days of the appeal decision, either party may request reconsideration by the Superintendent of Public Instruction or designee.

Pursuant to 5 CCR 4650, CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final investigation report; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; or (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile.

Health and Safety Complaints in License-Exempt Preschool Programs

Note: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8235.5 **mandates** districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program. Pursuant to Education Code 8235.5, the district must use the UCP, with modifications as necessary, to resolve such complaints. Pursuant to 5 CCR 4610, **as amended by Register 2020, No. 21**, such complaints must be addressed through the procedures described in 5 CCR 4690-4694.

See the accompanying exhibits for a sample classroom notice and complaint form.

Any complaint regarding health or safety issues in a license-exempt CSPP program shall be addressed through the procedures described in 5 CCR 4690-4694.

In each license-exempt CSPP classroom, In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted **in each license-exempt CSPP classroom in the district** notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. **For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site.** (Education Code 8235.5; 5 CCR 4690 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

UNIFORM COMPLAINT PROCEDURES (continued)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, ~~and shall~~ contain a space to indicate whether the complainant desires a response to the complaint, **and allow a complainant to add as much text as desired to explain the complaint.** (Education Code 8235.5; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. **The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority.** (Education Code 8235.5; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5; 5 CCR 4692)

Note: Education Code 48985 requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If a complaint regarding health or safety issues in a license-exempt CSPP program involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8235.5; 5 CCR 4693, 4694)

UNIFORM COMPLAINT PROCEDURES (continued)

All complaints and responses are public records. (5 CCR 4690)

(cf. 1340 - Access to District Records)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

(5/20 12/20) 6/21

Policy 1313: Civility

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the impact that civility has on the effective operation of the district, including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with dignity and respect in their interactions within the school community.

The Board understands that the First Amendment provides strong protection for speech. However, the Board expects that all speech and expression will comport with norms of civil behavior on district grounds, in district facilities, during district activities or events, and in the use of district electronic/digital systems and platforms.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The Board and district staff shall model civil behavior as an example of behavior that is expected throughout the district. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the Board or Superintendent and/or professional standards or codes of conduct for employees as specified in district policies and regulations.

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. The Superintendent or designee may incorporate related concepts in the curriculum, provide staff development activities, and/or communicate this policy to the school community.

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of district operations, the educational program, or any other district program or activity; or creates an unsafe learning or working environment. The Superintendent or designee may respond to disruptive, violent, or threatening behavior in accordance with law and as specified in BP/AR 3515.2 - Disruptions.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline in accordance with law and as specified in district policy and regulations.

Civil Discussion Standards:

Discussion/debate must be germane (relevant) to the topic. Speakers must address all remarks to the chair/moderator, cross talk between members is not allowed. Speakers must be courteous and never attack other members or question the motives of the members. In controversial issues, the discussion is focused on ideas, not personalities.

CSBA Sample Board Policy

All Personnel

BP 4112.42(a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

Note: State and federal law (Vehicle Code 34520; 49 CFR 382.101-382.605) require that any district employing school bus drivers establish a drug and alcohol testing program, with specified components, applicable to bus drivers and any other drivers of a commercial motor vehicle weighing over 26,000 pounds or designed to transport 16 or more passengers including the driver. All testing must be conducted in accordance with 49 CFR 40.1-40.413. For further information, see the web sites of the U.S. Department of Transportation (DOT) and the California Highway Patrol (CHP).

In addition, Vehicle Code 34520.3 requires **individuals employed as** drivers of **other** school transportation vehicles (i.e., vehicles that are not school buses, student activity buses, or youth buses and are used by the district for the primary purpose of transporting children), such as a van, to participate in the testing program to the same extent as required by law for school bus drivers. ~~The Legislative Counsel has issued an opinion that Vehicle Code 34520.3 applies only to employees whose primary job is transportation.~~ The district should consult legal counsel as necessary to determine applicability of this law to district employees.

The district's drug and alcohol testing program is subject to compliance inspections conducted by the CHP. It is recommended that the district review the CHP's Controlled Substances and Alcohol Testing Compliance Checklist to assess whether its program fulfills legal requirements.

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

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

A driver shall not report for duty or remain on duty when **he/she the driver** has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when **he/she the driver** has used any drug listed in 21 CFR 1308.12-1308.15, unless **he/she the driver** is using the drug under the direction of a physician who has advised **him/her the driver** that the substance will not adversely affect the driver's ability to safely operate a bus. **(49 CFR 382.213)**

In addition, a driver shall not consume alcohol while on duty **and/or performing safety-sensitive functions**, or for four hours prior to on-duty time. (49 CFR ~~382.201-382.209, 382.213~~ **382.205, 382.207**)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Note: 49 USC 31306 and 49 CFR 382.301-382.311 require that certain types of tests be part of the district's drug and alcohol testing program. See the accompanying administrative regulation for requirements applicable to each test.

Pursuant to 49 CFR 382.301, the district may, but is not required to, conduct pre-employment alcohol testing. The following paragraph should be revised by districts that choose to conduct such testing.

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

Note: Pursuant to 49 CFR 40.11, districts are responsible for implementing the drug and alcohol testing program. They may do this using their own employees, contracting for services, or joining together in a consortium with other employers. The following **optional** paragraph provides that the district will contract for such services and may be revised by districts that use alternative methods.

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test **for a drug or drug metabolite** before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver **from the Federal Motor Carrier Safety Administration**. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver **for whom the district receives a verified positive drug test result who refuses to take a required drug or alcohol test, tests positive for drugs, or who** is found to have a blood alcohol concentration level **that exceeds the levels specified in law of 0.04 or higher** shall be **immediately** removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. **An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions.** (49 CFR 40.23, 382.211)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Note: Pursuant to 49 CFR 40.21 and 382.119, before temporarily removing a driver from safety-sensitive functions, the district must receive verification of the test results from a licensed physician certified as a medical review officer, unless a waiver of this requirement has been obtained from the Federal Motor Carrier Safety Administration.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

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

Note: Pursuant to Vehicle Code 13376, upon receiving a report of a driver's refusal, failure to comply, or positive test result, the California Department of Motor Vehicles will revoke the driver certificate or refuse to approve an initial application for a certificate. An exception exists for a driver who complies with a rehabilitation or return-to-duty program that meets the requirements of federal regulations. For purposes of retaining a his/her certificate, the driver may participate in such a program only once within a three-year period.

The following paragraph is optional. Pursuant to 49 CFR 40.289, the district is not required to provide education and treatment services to any driver. However, if the district offers the driver an opportunity to return to work following a violation, then it must ensure that the driver receives an evaluation by a qualified substance abuse professional and successfully complies with the evaluation recommendations. Responsibility for payment for evaluation and services is to be determined by the district and driver and may be governed by a collective bargaining agreement and health care benefits.

Any driver who refuses, fails to comply, or has a positive test result may be referred to an education and treatment program that meets the requirements of 49 CFR 40.281-40.313. Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

If the substance abuse professional recommends that **further and** ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor **his/her the driver's** compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4261.1 - Personal Illness/Injury Leave)

~~A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.~~

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

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

Voluntary Self-Identification

Note: The following section is for use by districts that choose to establish a voluntary self-identification policy or program, pursuant to 49 CFR 382.121, which relieves drivers who admit alcohol or drug misuse from the federal requirements for referral, evaluation, and treatment contained in 49 CFR 40.281-40.313. If the district chooses to establish such a program, it is **mandated** to adopt a written policy containing the provisions specified in items #1-3 below. Pursuant to 49 CFR 382.121, the district's program may also include employee monitoring and non-DOT follow-up testing. If the district chooses to incorporate these elements, it should add them to this list.

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over **his/her the** drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

- a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
- b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that **he/she-the driver** does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until **he/she-the driver** has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Legal Reference: (see next page)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

GOVERNMENT CODE

8355 Drug-free workplace; employee notification

VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety regulations

CODE OF REGULATIONS, TITLE 13

1200-~~1293-1294~~ Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

UNITED STATES CODE, TITLE 49

31306 Alcohol and drug testing

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.11-1308.15 Controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605727 Drug and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

Management Resources:

CALIFORNIA HIGHWAY PATROL PUBLICATIONS

Controlled Substances and Alcohol Testing Compliance Checklist, 20072017

What is CSAT? Controlled Substances and Alcohol Testing, 20052016

WEB SITES

California Department of Motor Vehicles: <https://www.dmv.ca.gov>

California Highway Patrol: <http://www.chp.ca.gov>

Commercial Driver's License Drug and Alcohol Clearinghouse: <https://clearinghouse.fmcsa.dot.gov>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:

<http://www.dot.gov/ost/dapc>

(3/06 8/13) 6/21

CSBA Sample Administrative Regulation

All Personnel

AR 4112.42(a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

Note: The following administrative regulation reflects state and federal requirements (Vehicle Code 34520; 49 CFR 40.1-40.413, 382.101-382.605) for drug and alcohol testing of school bus drivers, including pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Pursuant to 49 CFR 40.27, the district must not require a driver to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process.

Definitions

Note: Regardless of state medical or recreational marijuana laws, marijuana remains an illegal drug under the Controlled Substances Act and use of it by a driver remains a violation of federal drug testing regulations.

For purposes of drug testing required by the U.S. Department of Transportation (DOT), **drugs included in the tests are** marijuana, cocaine, amphetamines, phencyclidine (PCP), and **opioids opiates.** (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath **as indicated by an evidential breath test.** ~~For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process.~~ (49 CFR **40.3, 382.107, 382.201, 382.505**)

Safety-sensitive function means all time from the time **he/she the driver** begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus **or other school transportation vehicle;** waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the **bus vehicle** or **bus vehicle** equipment; loading or unloading the **bus vehicle;** supervising or assisting in the loading or unloading of the **bus vehicle;** and repairing, obtaining assistance, or remaining in attendance upon a disabled **bus vehicle.** (49 CFR 382.107)

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Designated Employer Representative

Note: 49 CFR 40.35 and 40.215 require the district to identify a "designated employer representative" to perform the duties specified in 49 CFR 40.3. The following paragraph may be revised to reflect the title of the employee so designated.

The Superintendent or designee shall identify a designated employer representative **who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided** and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

Pre-employment Testing

Note: Pursuant to 49 CFR 382.701, districts are required to conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse's online database, available on its web site, to obtain information about an applicant. Pursuant to 49 CFR 40.25 and 382.413, districts must also, until January 6, 2023, continue to request a driver's drug and alcohol testing record from any employer who has employed the driver during the previous three years.

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, **conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)**

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and **382.413**, from any employer who has employed the driver at any time during the previous ~~two~~ **three** years. **To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions.** In addition, the Superintendent or designee shall ask the driver if **he/she tested there was a positive test, or refused a refusal** to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position **that he/she did not obtain was not obtained. (49 CFR 40.25, 382.413)**

The driver shall not be permitted to perform safety-sensitive functions if **he/she the driver** refuses to provide consent to obtain the information from previous employers **or from the Clearinghouse;** the information from previous employers is not received within 30 days of

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

the date on which the driver first performed safety-sensitive functions for the district; or the driver, **the Clearinghouse**, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, **382.701, 382.703**)

~~Upon making a contingent offer of employment to a driver and prior to the first time the driver performs safety-sensitive functions for the district, the Superintendent or designee shall require the A driver whom the district intends to hire or use shall to undergo testing for drugs and to receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)~~

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months **from the date of application** or participated in a random drug testing program for the previous 12 months **from the date of application**.
- ~~3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.~~
- 34.** No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

The Superintendent or designee **shall contact** ~~has contacted~~ the testing program(s) in which the driver has participated and **obtain** ~~has obtained~~ information about the program and the driver's participation as specified in 49 CFR 382.301.

Note: The following **optional** paragraph is for use by districts that choose to conduct pre-employment alcohol testing; see the accompanying Board policy. Pursuant to 49 CFR 382.301, pre-employment alcohol testing is not required but, if the district chooses to conduct such testing, it must comply with the following requirements.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration **level** of less than 0.04. (49 CFR 382.301)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation **within eight hours of the accident** and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

Note: The district may revise the following paragraph to specify the method by which it will select drivers for random drug and alcohol testing. Pursuant to 49 CFR 382.305, the district must randomly select drivers for testing using a scientifically valid method such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Pursuant to 49 CFR 40.347, the district may contract with a third-party administrator or join a consortium of employers to operate the random selection process.

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be **unannounced and** conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Note: Pursuant to 49 CFR 382.305, the district must annually test at least 10 percent of district drivers for alcohol and at least ~~25~~ 50 percent for drugs. However, the minimum required percentage is subject to change as determined necessary by the Federal Motor Carrier Safety Administration (FMCSA). Any such change will be published in the Federal Register and on the FMCSA's web site and will be effective starting January 1 following such publication. ~~For 2018, the minimum percentage rates remain at 10 percent for alcohol and 25 percent for controlled substances.~~

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

Note: The following section may be revised to reflect the position (e.g., driver's supervisor or other district employee) authorized and trained to make observations for reasonable suspicion drug or alcohol testing.

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, ~~the Superintendent or designee shall prepare and sign~~ a written record of the observations leading to a reasonable suspicion test **shall be made and signed by the person who made the observations.** (49 CFR 382.307)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after **he/she the driver** completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has **a**-taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Note: Pursuant to 49 CFR 40.307, after a driver successfully complies with education and treatment services, the substance abuse professional will prescribe a follow-up testing plan and will present that plan to the designated employer representative. The plan must direct that the driver be subject to at least six unannounced follow-up tests in the first 12 months following the driver's return to safety-sensitive functions.

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

Notifications

Note: Pursuant to 49 CFR 382.601, the district is **mandated** to adopt policy and procedures pertaining to misuse of drugs and alcohol and to provide these materials to each driver. When conducting compliance inspections, the **CHP-California Highway Patrol** reviews whether district policy or regulations contain all of items #1-~~412~~ below.

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.113, 382.303, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management
- 12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse**

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Each driver shall sign a statement certifying ~~that he/she has received~~ receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

Note: 49 CFR 40. 333 and 382.401 specify the records that must be retained by the district and how long each record must be retained (i.e., one year, two years, three years, five years, or indefinitely). Upon receiving a request from the FMCSA to inspect any such record, the district must make the record(s) available for inspection at the district office within two business days.

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)

(8/13 8/14) 6/21

CSBA Sample Board Policy

Certificated and Classified Personnel

BP 4141(a)
4241

COLLECTIVE BARGAINING AGREEMENT

Note: The following **optional** policy addresses the implementation of the collective bargaining agreement adopted by the Governing Board following a process of negotiations with the exclusive representatives of employees. See BP 4143/4243 - Negotiations/Consultation for information about the bargaining process.

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)

Note: Districts should consider deleting policies and administrative regulations on topics covered in collective bargaining agreements or retaining them only after determining that the provisions in the policy or regulation are consistent with the adopted agreements. Some policies or regulations may also need to be retained and/or modified when they pertain to unrepresented employees. Should a contract and a policy conflict, the district may be required to grant the benefits in both documents, even if the district believed that the contract was intended to supersede the policy. See BB 9310 - Board Policies.

If the district has adopted a merit system pursuant to Education Code 45220-45320, then its classified employees are subject to the rules prescribed by the district's personnel commission, except when the subject matter is within the scope of representation and is included in a negotiated agreement. Such districts may revise the following paragraph to clarify that the negotiated agreement supersedes any conflicting rules of the personnel commission.

In United Teachers of Los Angeles v. Los Angeles Unified School District, the California Supreme Court held that a provision in a collective bargaining agreement that directly conflicts with the Education Code cannot be enforced.

~~Education Code 35036 prohibits the Board from entering into a collective bargaining agreement that, after April 15 prior to the school year that a teacher's transfer would become effective, assigns priority to a teacher who requests to be transferred to another school over other qualified teachers who have applied for positions requiring certification qualifications at that school. See BP 4114 - Transfers.~~

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. **Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.**

(cf. 9310 - Board Policies)

COLLECTIVE BARGAINING AGREEMENT (continued)

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

Legal Reference:

EDUCATION CODE

35035 *Additional powers and duties of superintendent, transfer authority*

35036 *Voluntary transfers*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

45220-45320 *Merit system, classified employees*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 8

31001-32997 *Regulations of employee relations boards*

COURT DECISIONS

Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448

United Teachers of Los Angeles v. Los Angeles Unified School District (2012) 54 Cal. 4th 504

Round Valley Teachers Association (1996) 13 Cal. 4th 269

Management Resources:

WEB SITES

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org>

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

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

(10/95 3/07) 6/21

CSBA Sample Board Policy

All Personnel

BP 4158(a)

4258

EMPLOYEE SECURITY

4358

Note: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation **are optional and may be revised to reflect district practice and the terms of the district's collective bargaining agreements.**

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

(cf. 3515.2 - Disruptions)

Note: Code of Civil Procedure 527.8 allows the district to seek a temporary restraining order and injunction on behalf of an employee against any other individual who has subjected the employee to unlawful violence or a credible threat of violence in the workplace. In City of San Jose v. William Garbett, a California Court of Appeal held that a court's issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place.

Pursuant to Penal Code 18150 and 18170, a gun violence restraining order prohibiting a person from owning, having custody or control of, purchasing, possessing, or receiving a firearm or ammunition may be petitioned by that person's employer, a coworker who has had substantial and regular interactions with the person for at least one year and has the employer's approval, or an employee or teacher of a secondary school that the person has attended in the past six months if the employee or teacher has obtained the approval of a school administrator or designee.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. **Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.**

EMPLOYEE SECURITY (continued)

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: Pursuant to Education Code 48904 and 48905, provides that an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student, or his/her the student's parent/guardian, pursuant to Education Code 48904. Education Code 48904 provides that a parent/guardian will be liable for damages caused by his/her minor child's willful misconduct resulting in injury to a district student, employee, or volunteer or damage to district or employee property. Also sSee BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. The district should consult legal counsel when considering whether to pursue legal action.

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

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

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

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

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

EMPLOYEE SECURITY (continued)

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

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Note: The following section is **optional** and may be revised to reflect district practice. Penal Code 22810 authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures.

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

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

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

Reporting of Injurious Objects

Note: The following **optional** section specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who **initially** notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for **such action violation of any district policy or procedure related to the notification of a law enforcement agency. Education Code 49334 requires such an employee to conform with district procedures after exercising the option to notify a law enforcement agency.**

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

EMPLOYEE SECURITY (continued)

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

(cf. 3515.7 - Firearms on School Grounds)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, **the an** 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*

35208 *Liability insurance*

35213 *Reimbursement for loss, destruction or damage of school property*

44014 *Report of assault by pupil against school employee*

44807 *Duty concerning conduct of students*

48201 *Transfer of student records*

48900-48926 *Suspension or expulsion*

49079 *Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion*

49330-49335 *Injurious objects*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

CODE OF CIVIL PROCEDURE

527.8 *Workplace violence safety*

GOVERNMENT CODE

995-996.4 *Defense of public employees*

3543.2 *Scope of representation*

12926 Definitions

LABOR CODE

230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies

PENAL CODE

71 *Threatening public officers and employees and school officials*

240-246.3 *Assault and battery, especially:*

241.3 *Assault against school bus drivers*

Legal Reference continued: (see next page)

EMPLOYEE SECURITY (continued)

Legal Reference: (continued)

PENAL CODE (continued)

- 241.6 Assault on school employee including board member
- 243.3 Battery against school bus drivers
- 243.6 Battery against school employee including board member
- 245.5 Assault with deadly weapon against school employee including board member
- 290 Registrations of sex offenders
- 601 Trespass by person making credible threat
- 626-626.11 School crimes
- 646.9 Stalking

18150 Gun violence restraining orders

18170 Gun violence restraining order issued after notice and hearing

22810 Purchase, possession, and use of tear gas

WELFARE AND INSTITUTIONS CODE

- 827 Juvenile court proceedings; reports; confidentiality
- 828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Management Resources:

WEB SITES

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

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

(3/11 5/18) 6/21

CSBA Sample Administrative Regulation

All Personnel

AR 4158(a)

4258

EMPLOYEE SECURITY

4358

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

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Note: Pursuant to Education Code 44014, it is the duty of an employee and his/her immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for so doing.

Although the law only requires employees to report attacks, assaults, or threats made by students, the following paragraph requires employees to report any attack, assault, or threat made against them by any other individual on school grounds.

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

Note: Pursuant to Education Code 44014, it is the duty of an employee and ~~his/her~~ **the employee's** immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. **Compliance with district procedures related to reporting incidents, as specified in the paragraph above, does not exempt an employee or supervisor from the duty to make a report to law enforcement.** Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.

Although the law only requires employees to report attacks, assaults, or threats made by students, the following paragraph requires **district may revise the following paragraph to require** employees to report any attack, assault, or threat made against them by any other individual on school grounds.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

EMPLOYEE SECURITY (continued)

(cf. 3515.2 - Disruptions)

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

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

Notice Regarding Student Offenses Committed While Under School Jurisdiction

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

Note: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. School district officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

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

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5125 - Student Records)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee must inform the student's teacher(s) of the acts as specified below.

- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or

EMPLOYEE SECURITY (continued)

designee shall inform the student's teacher(s) that the student was suspended from school or expelled from his/her the former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

- c. 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 48201, 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

2. Offenses Reported to the District by a Court

Note: The following optional paragraph is for use by districts maintaining a district police or security department. Welfare and Institutions Code 828 specifies that information gathered by a law enforcement agency relating to a minor taken into custody may be disclosed to a school district police or security department. The following paragraph addresses the authority of the district police department to utilize such information as it pertains to certain offenses committed by students. Welfare and Institutions Code 827 requires a court, within seven days, to provide written notification to the Superintendent when a minor student has been found by the court to have committed a felony or misdemeanor involving specified offenses. Upon receiving such notification, the Superintendent must notify certain counselors, teachers, and administrators, as described in item #2.

In addition, Welfare and Institutions Code 828.1 specifies that a school district police or security department may provide written notification to the Superintendent when a minor student has been found by a court to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence. In such cases, the information may be transmitted to a teacher, counselor, or administrator with direct supervisory or disciplinary responsibility over the student, and such information must be received in confidence for the limited purpose for which it was provided. Districts that maintain their own police or security department may expand the following item to authorize the department to notify the Superintendent of such offenses.

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

(cf. 3515.3 - District Police/Security Department)

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

EMPLOYEE SECURITY (continued)

- b.** The principal shall **expeditiously** disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. ~~and to The principal shall also inform~~ any teacher or administrator directly supervising or reporting on the student's behavior or progress whom ~~he/she~~ **the principal** thinks may need the information ~~so as in order~~ to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)
- c.** Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)
- d.** When a student is removed from school as a result of ~~his/her~~ **an** offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)
- e.** Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

Note: The following ~~section~~ **optional paragraph may be revised to reflect district practice.** ~~describes procedures for maintaining confidentiality of student records and documenting the district's good faith effort to notify counselors or teachers about student offenses.~~ Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine. ~~This section may be modified to reflect district practice.~~

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

EMPLOYEE SECURITY (continued)

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

Note: Pursuant to Labor Code 230, the district is required to provide reasonable accommodations at work, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. The district is not required to provide reasonable accommodations to an employee who has not disclosed the employee's status as a victim of domestic violence, sexual assault, or stalking nor to undertake an action that constitutes an undue hardship, as defined by Government Code 12926.

In addition, Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, or stalking to use available leave for the purposes of (1) obtaining relief (e.g., a temporary restraining order, restraining order, or injunctive relief) to protect the health, safety, or welfare of the employee or the employee's child; (2) seeking medical attention for injuries caused by the crime or abuse; (3) obtaining services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency; (4) obtaining psychological counseling or mental health services related to an experience of crime or abuse; and/or (5) participating in safety planning and taking other actions to increase safety from future crime or abuse, including temporary or permanent relocation. As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime. See AR 4161.2/4261.2/4361.2 - Personal Leaves.

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

EMPLOYEE SECURITY (continued)

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

- 1. A police report indicating that the employee was a victim**
- 2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court**
- 3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse**
- 4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf**

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

EMPLOYEE SECURITY (continued)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

Note: The following **optional** section may be revised to reflect district practice. **See the accompanying Board policy for further information and the Board's determination to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities.**

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

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

1. The pepper spray shall be used only in self-defense **pursuant to Penal Code 22810.**
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

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

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

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

(3/11 5/18) 6/21

CSBA Sample Board Policy

Students

BP 5141.4(a)

CHILD ABUSE PREVENTION AND REPORTING

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

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

(cf. 5141.5 - Mental Health)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

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

~~Education Code 51220.5 specifies that the district's course of study for grades 7 and/or 8 may include parenting skills education, including instruction on child abuse and neglect; see AR 6143 - Courses of Study.~~

The district's instructional program ~~shall include~~ **may provide** age-appropriate and culturally sensitive child abuse prevention curriculum. ~~This curriculum shall~~ **which** explains students' right to live free of abuse, ~~includes~~ instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, ~~informs~~ students of available support resources, and ~~teaches~~ students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Note: **The following paragraph is optional.** Education Code 51900.6, ~~as added by AB 2016 (Ch. 809, Statutes of 2014),~~ authorizes districts to provide age-appropriate instruction in sexual abuse and sexual assault awareness and prevention in grades K-12, provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. It also requires the State Board of Education and Superintendent of Public Instruction to consider addressing these issues in the next revision of the state health education content standards and curriculum framework.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Note: Pursuant to Education Code 33133.5, posters notifying students of the appropriate telephone number to call to report child abuse or neglect are available on the California Department of Education's web site in five languages. Education Code 33133.5 encourages districts to post the appropriate version or versions of the poster in an area of the school where students frequently congregate.

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

Note: The following paragraph is for use by districts that serve students in grades 7-12. Education Code 215.5 requires districts that issue or reissue student identification cards to have the telephone number of the National Domestic Violence Hotline (1-800-799-7233) printed on either side of student identification cards.

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

(cf. 5142 - Safety)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

Note: The Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3) identifies persons who are mandated to report known or suspected child abuse or neglect and establishes procedures for filing a report; see the accompanying administrative regulation.

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

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

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Note: Education Code 44252, as amended by AB 2560 (Ch. 110, Statutes of 2014), requires that teachers applying to the Commission on Teacher Credentialing for a new credential or a renewal of their credential read and sign a statement that they understand the duties imposed on them as mandated reporters pursuant to Penal Code 11164-11174.3.

CHILD ABUSE PREVENTION AND REPORTING (continued)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

Note: ~~As amended by AB 1432 (Ch. 797, Statutes of 2014),~~ Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees regarding the duties of mandated reporters; see the accompanying administrative regulation. However, pursuant to Penal Code 11165.7, a lack of training does not excuse any mandated reporter from the duty to report suspected child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters **as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)**

*Legal Reference:*EDUCATION CODE

215.5 Student identification cards with National Domestic Violence Hotline telephone number

~~32280-32289.5~~ ~~32289.8~~ *Comprehensive school safety plans*

33133.5 Posters of telephone number for students to report child abuse or neglect

33195 *Heritage schools, mandated reporters*

33308.1 *Guidelines on procedure for filing child abuse complaints*

44252 *Teacher credentialing*

44691 *Staff development in the detection of child abuse and neglect*

44807 *Duty concerning conduct of students*

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*

51900.6 *Sexual abuse and sexual assault awareness and prevention instruction*

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as a result of childhood sexual abuse

PENAL CODE

152.3 *Duty to report murder, rape, or lewd or lascivious act*

273a *Willfully ~~crueity~~ or causing unjustifiable **pain or mental suffering** ~~punishment~~ of child; endangering life or health*

286 Crime of sodomy

287 Crime of oral copulation

288 *Definition of lewd or lascivious act requiring reporting*

289 Crime of sexual penetration

11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

15630-15637 *Dependent adult abuse reporting*

CODE OF REGULATIONS, TITLE 5

~~3200-3205~~ ~~4650~~ *Filing complaints with CDE; special education students*

UNITED STATES CODE, TITLE 42

11434a *McKinney-Vento Homeless Assistance Act; definitions*

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources: (see next page)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Management Resources:

CSBA PUBLICATIONS

Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

California Department of Education, **Child Abuse Prevention Training and Resources Safe Schools:**

<http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, **Information Resources Guide Children and Family**

Services Division: <http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/eas> <https://www.childwelfare.gov>


(11/04 12/14) 6/21

CSBA Sample Administrative Regulation

Students

AR 5141.4(a)

CHILD ABUSE PREVENTION AND REPORTING

Note: Pursuant to Education Code 44691, ~~as amended by AB 1432 (Ch. 797, Statutes of 2014)~~, the California Department of Education (CDE) is required to disseminate information to all school districts regarding the detection and reporting of child abuse and to provide guidance on the responsibilities of mandated reporters. See ~~the CDE's~~ web site for information and resources.

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person

Note: Pursuant to Penal Code 11165.1, as amended by AB 1145 (Ch. 180, Statutes of 2020), sexual assault does not include voluntary conduct in violation of Penal Code 286, 287, or 289 (sodomy, oral copulation, or sexual penetration) if there are no indicators of abuse, unless such conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age. AB 1775 (Ch. 264, Statutes of 2014) amended Penal Code 11165.1 to revise the definition of sexual exploitation to also include knowingly downloading, streaming, or accessing through any electronic or digital media a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct.

2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child 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

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

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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 **11165.5**, 11165.6)

(cf. 3515.3 - District Police/Security Department)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Note: Education Code 44807 provides that physical control of a student under the conditions specified in item #3 below is not subject to criminal prosecution or penalties.

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be **legally** 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)
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, **for purposes of self-defense to protect himself/herself**, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)

(cf. 5131 - Conduct)*(cf. 5131.7 - Weapons and Dangerous Instruments)**(cf. 5144 - Discipline)**(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

*(cf. 6142.7 - Physical Education and Activity)**(cf. 6145.2 - Athletic Competition)*

Note: Pursuant to Penal Code 11165.15, **as added by AB 652 (Ch. 486, Statutes of 2013)**, the fact that a child is homeless or is classified as an unaccompanied minor, as defined in the federal McKinney-Vento Homeless Assistance Act (42 USC 11434a), is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Note: The following definition of "mandated reporters" does not list non-school persons (e.g., physicians, clergy members) who are also mandated to report suspected child abuse or neglect and may be revised to reflect additional positions applicable to the district as specified in Penal Code 11165.7.

Penal Code 11165.7 clarifies that volunteers whose duties require direct contact with and supervision of children are not mandated reporters. However, the law encourages volunteers to obtain training in the identification and reporting of child abuse and neglect and to report known or suspected incidents of child abuse or neglect.

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; athletic coaches, administrators,

CHILD ABUSE PREVENTION AND REPORTING (continued)

and directors; **licensees**, administrators, and employees of a licensed child day care facility; Head Start **program** teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

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 **the person's his/her** training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

Note: Penal Code 11166 specifies that a mandated reporter has a duty to report when acting in **a his/her** professional capacity or within the scope of employment. When a mandated reporter is acting in a private capacity, like other private citizens, ~~he/she has the discretion whether or not to make~~ **making** a report **is discretionary**.

A mandated reporter shall make a report using the procedures provided below whenever, **acting in a his/her** professional capacity or within the scope of **his/her** employment, **he/she the mandated reporter** 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 **11165.9**, 11166.05, 11167)

Note: Pursuant to Penal Code 152.3, it ~~is may be~~ a misdemeanor, with specified exceptions, for a witness to not report a murder, rape, or lewd or lascivious act as defined in Penal Code 288 where the victim is under age 14. Persons who fail to report such offenses may be subject to a fine and/or imprisonment.

Any district employee who reasonably believes **to have that he/she has** observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (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)

CHILD ABUSE PREVENTION AND REPORTING (continued)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, 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)

Note: Penal Code 11166.01 provides that it **may be is** a crime, punishable by a fine and/or imprisonment, for a supervisor or administrator to knowingly inhibit or impede a mandated reporter from making a report.

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 whom **he/she the person** knows or reasonably 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)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Note: Penal Code 11165.9 specifies the agencies that are authorized to receive reports of suspected child abuse and neglect, as detailed in the following paragraph. The agency must accept a report even if it lacks subject matter or geographical jurisdiction to investigate the case; the agency is then responsible for referring the case to an agency with proper jurisdiction.

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Note: It is recommended that the district's administrative regulation include the name, address, and phone number of the appropriate agencies in its area **to whom reports should be made.**

Such reports shall be made to the following agency(ies):

Colusa County Child Welfare Services
(Name of appropriate agency)
517 Market St, Colusa CA 95932
(Address)
530-458-0280 (social worker avail 24/7)
(Phone number)

Yolo Co.
Child
welfare Services
625 Court St
Woodland CA 95695
530-669-2345

CHILD ABUSE PREVENTION AND REPORTING (continued)

Note: The following paragraph is **optional**.

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall ~~then~~ prepare and either send, fax, or electronically **transmit submit** to the appropriate agency a written follow-up report, which includes a completed **California** Department of Justice (**DOJ**) form (**BCIASS** 8572). (Penal Code 11166, 11168)

Note: Pursuant to Penal Code 11168, the **California** Department of Justice (**DOJ**) form shall be distributed by the police department, sheriff's department, county probation department, or county welfare department as appropriate and is available on the ~~DOJ's Department of Justice's~~ web site. It may also be made available at the district office or school site. The following **optional** paragraph should be revised to reflect district practice.

The ~~DOJ Department of Justice~~ form may be obtained from the district office or other appropriate agencies, such as **the police department, or sheriff's department, or county probation or welfare department** ~~or the police or sheriff's department~~.

Note: Penal Code 11167 requires the mandated reporter's ~~to give his/her~~ name when reporting known or suspected child abuse. However, the reporter's name and the report are confidential and are only disclosed in limited circumstances provided by law.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

CHILD ABUSE PREVENTION AND REPORTING (continued)

- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to **the mandated reporter him/her**. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

Note: Item #3 below is **optional** and may be revised to reflect district practice. Pursuant to Penal Code 11166, school districts may establish internal reporting procedures encouraging employees to notify supervisors and administrators of reports that are made. These internal procedures must not inhibit or impede immediate and direct reporting by employees to appropriate agencies, **direct an employee to allow the employee's supervisor to file or process a mandated report under any circumstances, or require any employee to disclose the employee's identity to the employer.** ~~Penal Code 11166 prohibits internal procedures from requiring the employee to make a report to the district or requiring that the identity of the mandated reporter be disclosed to the district.~~

3. Internal Reporting

The mandated reporter shall not be required to disclose **the mandated reporter's his/her** identity to **his/her a** supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal 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 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.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING (continued)**Training**

Note: ~~As amended by AB 1432 (Ch. 797, Statutes of 2014), Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees and any other mandated reporters working on their behalf regarding the duties of mandated reporters. Education Code 44691, as amended, also requires the CDE to develop an online training module to be provided to the California Department of Social Services for use by districts.~~

Within the first six weeks of each school year, **or within the first six weeks of employment if hired during the school year**, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. **Any school personnel hired during the school year shall receive such training within the first six weeks of employment.** (Education Code 44691; Penal Code 11165.7)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Education Code 44691 requires school districts to use the online training module provided by the California Department of Social Services (**CDSS**), **available on the CDSS web site**. However, if the online training module is not used, the Superintendent or designee is required to report to ~~the~~ CDE regarding the training being used in its place.

The Superintendent or designee shall use the online training module provided by the California Department of Social Services (**CDSS**). (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

Note: Education Code 44691, ~~as amended by AB 1432 (Ch. 797, Statutes of 2014)~~, requires districts to develop a process by which all persons required to receive training must provide proof of receiving the training (e.g., the use of a sign-in sheet, submission of a certificate of completion). The following paragraph may be revised to reflect district practice.

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 44691, ~~as amended by AB 1058 (Ch. 748, Statutes of 2015)~~, encourages districts to provide training to all school employees, at least once every three years, on the prevention of child abuse on school grounds, by school personnel, or in school-sponsored programs. **As amended, Pursuant to** Education Code 44691, **also requires**

CHILD ABUSE PREVENTION AND REPORTING (continued)

~~the CDE's web site includes to establish~~ best practices for prevention of abuse and ~~to provide links on its web site~~ to training resources.

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Note: Penal Code 11174.3 authorizes a representative from ~~the Department of Social Services CDSS~~ or another government agency investigating suspected child abuse or neglect to interview a student during school hours, on school grounds, concerning a report of child abuse or neglect that occurred at home or in an out-of-home care facility. However, there is no clear guidance regarding the procedures to be followed if a social worker is accompanied by law enforcement. In Greene v. Camreta, the 9th Circuit Court of Appeals had ruled that, absent exigent circumstances, a social worker and sheriff could not question a student in school without obtaining a warrant, court order, or parent/guardian consent. Subsequently, that ruling was vacated by the U.S. Supreme Court on appeal (Camreta v. Greene) since the case was then moot. Districts should proceed with caution and consult ~~with~~ legal counsel as necessary.

Whenever ~~the Department of Social Services CDSS~~ or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (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 ~~the person him/her~~ of the following requirements **prior to the interview**: (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 ~~the child 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.
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)

CHILD ABUSE PREVENTION AND REPORTING (continued)**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 or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

Note: Education Code 48987 requires the district, **upon request**, to disseminate guidelines, **upon request, adopted by CDE** advising parents/guardians of procedures for filing child abuse complaints. **As required by Education Code 33308.1, the CDE has prepared sample guidelines for this purpose, which were updated in March 2014 and** Such **sample guidelines** are available on **the** CDE's web site.

Claims against the district for childhood sexual assault are governed by the timelines and procedures specified in Code of Civil Procedure 340.1; see AR 3320 - Claims and Actions Against the District.

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those **guidelines and/or** 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 about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. **The employee shall also file a report when obligated to do so pursuant to Penal Code 11166 using the procedures described above for mandated reporters.** ~~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)

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

Note: **5 CCR 3201, as added by Register 2020, No. 21, authorizes p**Parents/guardians of special education students ~~also may to~~ file a complaint with ~~the~~ CDE as provided in the following paragraph. ~~The~~ CDE does not investigate allegations of child abuse or neglect, but may investigate conditions that may involve **immediate physical safety concerns as such concerns interfere with the provision of danger or threaten the health, safety, or welfare of the child and which may result in denial of a free appropriate public education.**

CHILD ABUSE PREVENTION AND REPORTING (continued)

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 **3200-3205 4650**.

(cf. 1312.3 – Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations

under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Before beginning employment, any person who will be a mandated reporter by virtue of **the person's his/her** position shall sign a statement indicating ~~that he/she has~~ knowledge of the reporting obligations under Penal Code 11166 and **will comply compliance** with **these such** provisions. The signed statement 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.

Note: The remainder of this section is **optional** and should be deleted by districts that do not provide these additional notifications.

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of **the mandated reporter's his/her** professional capacity or outside the scope of ~~his/her~~ employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that **the person he/she** knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, **the mandated reporter he/she** may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING (continued)

3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that **the employee he/she** knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166, **11172**)

(12/14 5/16) 6/21

CSBA Sample Board Policy

Students

BP 5141.52(a)

SUICIDE PREVENTION

Note: Education Code 215 mandates that the Governing Board of any district serving students in grades **K7-12** adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. **AB 1767 (Ch. 694, Statutes of 2019) amended Education Code 215 to mandate policy on suicide prevention, intervention, and postvention for students in grades K-6 beginning in the 2020-21 school year.** The required components are addressed in the following policy and the accompanying administrative regulation.

The following policy is consistent with the California Department of Education's Also see the California Department of Education's (CDE) Model Youth Suicide Prevention Policy, which also includes an extensive list of resources to assist in the prevention, intervention, and postvention of student suicide. developed pursuant to Education Code 215. Districts are encouraged to work closely with their county behavioral health department to identify and access resources at the local level.

The Mental Health Services Oversight and Accountability Commission developed a suicide prevention plan for the state which is published in Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025, available on its web site. The plan presents strategic aims, with related goals, objectives, and an implementation schedule. Districts may find the strategic plan useful in learning more about the stigma associated with behavioral health needs, myths and misconceptions about suicidal behavior and its hinderance to prevention efforts, suicidal behavior, risk and protective factors, and best practices in suicide prevention.

The following policy and accompanying administrative regulation should be revised to reflect district practice and the grade levels offered by the district.

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

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

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

SUICIDE PREVENTION (continued)

In developing policy and **procedures strategies** for suicide prevention, ~~and~~ intervention, **and postvention**, the Superintendent or designee shall consult with school and community stakeholders, ~~such as administrators, other staff, parents/guardians and students;~~ school-employed mental health professionals, ~~such as school counselors, school psychologists, school social workers, and school nurses;~~ suicide prevention experts, ~~such as local health agencies, mental health professionals, and community organizations;~~ law enforcement; and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)

(cf. 1220 - Citizen Advisory Committees)

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

Note: The following optional paragraph may be revised to reflect district practice. Education Code 215 does not define "school and community stakeholders" or "school-employed mental health professionals" who must be consulted in the development of policy. The following examples are consistent with CSBA and CDE recommendations.

School and community stakeholders and school mental health professionals with whom the Superintendent or designee shall consult may include district and school administrators, school counselors, school psychologists, school social workers, school nurses, other staff, parents/guardians and caregivers, students, local health agencies, mental health professionals, community organizations, law enforcement, legal counsel, and/or the district's risk manager or insurance carrier. The Superintendent or designee may also collaborate with county and/or city governments in an effort to align district policy with any existing community suicide prevention plans.

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

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

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

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

SUICIDE PREVENTION (continued)

1. Staff development on suicide awareness and prevention for teachers, **interns**, school counselors, and others ~~district employees~~ who interact with students, **including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers**, as described in the accompanying administrative regulation

(cf. 1240 - Volunteer Assistance)

(cf. 4112.21 - Interns)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5142 - Safety)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6145.2 - Athletic Competition)

Note: Items #2-79 below reflect **optional** strategies for suicide prevention, intervention, and postvention and may be revised to reflect district practice.

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

(cf. 6142.8 - Comprehensive Health Education)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

(cf. 5145.9 - Hate-Motivated Behavior)

4. **The review of materials and resources used in awareness efforts and communications to ensure they align with best practices for safe and effective messaging about suicide**

SUICIDE PREVENTION (continued)

54. The provision of information to parents/guardians **and caregivers** regarding risk **and protective** factors, ~~and~~ warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, **the district's suicide prevention policy and procedures**, basic steps for helping suicidal youth, **the importance of communicating with appropriate staff if suicide risk is present or suspected, access to suicide prevention training**, and/or school and community resources that can help youth in crisis
65. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
76. Crisis intervention procedures for addressing suicide threats or attempts
87. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

Note: The National Association of School Psychologists recommends that the district and/or school sites create a suicide prevention crisis team to assist in effectively identifying and intervening with students who are at risk of suicidal behavior, including adoption and implementation of policies and procedures. It is recommended that such teams include, at a minimum, administration, mental health staff, and school security personnel. The same crisis intervention team may be established to address broader mental health concerns as described in BP 5141.5 - Mental Health.

9. **Establishment of district and/or school-site crisis intervention team(s) to ensure the proper implementation and review of this policy and other district practices related to the emotional and behavioral wellness of students, including, but not limited to, the oversight of mental health and suicide prevention training, collaboration with community mental health organizations, identification of resources and organizations that provide evidence-based treatment, collaboration to build community response, and compliance with Education Code 215**

(cf. 5141.5 - Mental Health)

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

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

SUICIDE PREVENTION (continued)

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

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

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

(cf. 5141.6 - School Health Services)

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

Note: Education Code 215 requires that the district's student suicide prevention policy be updated at least every five years. Given the severity of the issue and importance of maintaining an up-to-date suicide prevention policy, CSBA and CDE recommend reviewing and updating this policy annually. The following paragraph may be revised to reflect district practice.

The Board shall review, and update as necessary, this policy at least every five years. **The Board may, at its discretion, review the policy more frequently.** (Education Code 215)

The Superintendent or designee shall periodically review district data pertaining to school climate and reports of suicidal ideation, attempts, or death to identify patterns or trends and make recommendations regarding program development.

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

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

Legal Reference: (see next page)

SUICIDE PREVENTION (continued)*Legal Reference:*EDUCATION CODE215 *Student suicide prevention policies*215.5 *Suicide prevention hotline contact information on student identification cards*216 *Suicide prevention online training programs*234.6 *Posting suicide prevention policy on web site*32280-32289.5 *Comprehensive safety plan*49060-49079 *Student records*49602 **Counseling; Confidentiality of student information**49604 *Suicide prevention training for school counselors*GOVERNMENT CODE810-996.6 *Government Claims Act*PENAL CODE11164-11174.3 *Child Abuse and Neglect Reporting Act*WELFARE AND INSTITUTIONS CODE5698 *Emotionally disturbed youth; legislative intent*5850-5886 *Children's Mental Health Services Act*COURT DECISIONS*Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554**Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019**Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008**Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019**Model Youth Suicide Prevention Policy*CALSCHLS PUBLICATIONS*California Healthy Kids Survey (CHKS)**California School Parent Survey (CSPS)**California School Staff Survey (CSSS)*CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS*School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009**EACH MIND MATTERS: CALIFORNIA'S MENTAL HEALTH MOVEMENT PUBLICATIONS**Making Headlines: Guide to Engaging the Media in Suicide Prevention in California, 2012*HEARD ALLIANCE PUBLICATIONS*K-12 Toolkit for Mental Health Promotion and Suicide Prevention, 2017*MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMUNICATIONS PUBLICATIONS*Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025*NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS*Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015*SUICIDE PREVENTION RESOURCE CENTER PUBLICATIONS*After a Suicide: A Toolkit for Schools, 2nd Edition, 2018*U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS*National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012**Preventing Suicide: A Toolkit for High Schools, 2012**Management Resources continued: (see next page)*

SUICIDE PREVENTION (continued)*Management Resources: (continued)*WEB SITES**American Academy of Pediatrics:** <https://www.healthychildren.org>American Association of Suicidology: <http://www.suicidology.org>American Foundation for Suicide Prevention: <https://afsp.org>American Psychological Association: <http://www.apa.org>American School Counselor Association: <https://www.schoolcounselor.org>California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>California Department of Health Care Services, Mental Health Services:
<http://www.dhcs.ca.gov/services/MH>**California Mental Health Services Authority:** <https://www.calmhsa.org>**CalSCHLS:** <https://calschls.org>Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>**Crisis Text Line:** <https://www.crisistextline.org>**Each Mind Matters: California's Mental Health Movement:** <https://emmresourcecenter.org>**HEARD Alliance:** <https://www.heardalliance.org>**Mental Health Services Oversight and Accountability Commission:** <https://mhsaac.ca.gov>**National Action Alliance for Suicide Prevention:** <https://theactionalliance.org>National Association of School Psychologists: <https://www.nasponline.org>**National Child Traumatic Stress Network:** <https://www.nctsn.org>National Institute for Mental Health: <http://www.nimh.nih.gov>**Substance Abuse and Mental Health Services Administration:** <https://www.samhsa.gov>Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org>**Suicide Prevention Messaging:** <https://suicidepreventionmessaging.org>Suicide Prevention Resource Center: <https://www.sprc.org/about-suicide>~~Suicide Prevention Lifeline:~~ <https://suicidepreventionlifeline.org>Trevor Project: <http://thetrevorproject.org>U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services
Administration: <http://www.samhsa.gov>

(12/18 3/20) 6/21

CSBA Sample Administrative Regulation

Students

AR 5141.52(a)

SUICIDE PREVENTION

Note: Education Code 215, ~~as amended by AB 1767 (Ch. 694, Statutes of 2019)~~, **mandates** policy on suicide prevention, intervention, and postvention for grades ~~K7-12~~ **and, beginning in the 2020-21 school year, for grades K-6**. See the accompanying Board policy. The following administrative regulation provides additional strategies that fulfill the mandate and may be revised to reflect district practice. Pursuant to Education Code 215, the following regulation should be developed in consultation with school and community stakeholders, school-employed mental health professionals, suicide prevention experts, and, in developing strategies for grades K-6, the county mental health plan.

Examples of suicide prevention strategies are also available in the California Department of Education's (CDE) Model Youth Suicide Prevention Policy, **Mental Health Services Oversight and Accountability Commission's (MHSOAC) Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025**, the U.S. Department of Health and Human Services publication Preventing Suicide: A Toolkit for High Schools, and resources issued by other state and federal agencies and organizations. For further information about strategies to protect students from bullying, cyberbullying, and other harassment, see BP 5131 - Conduct, BP 5131.2 - Bullying, BP 5145.3 - Nondiscrimination/Harassment, **BP/AR 5145.7 - Sexual Harassment**, and BP 5145.9 - Hate-Motivated Behavior.

Staff Development

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

CDE recommends that employees receive training on the core components of suicide prevention at the beginning of employment, and also receive training each year on risk factors, protective factors, warning signs of suicide, suicide prevention, intervention, referral, and postvention, with a minimum of one hour of general suicide prevention training. The following section ~~may~~ **should** be revised to reflect district practice.

Education Code 216 requires CDE to identify evidence-based online training program(s), aligned with the requirements of Education Code 215, that districts ~~may~~ **can** use to train students and staff.

Additionally, Education Code 216 also requires CDE, dependent upon funds being appropriated in the annual Budget Act, ~~CDE will to~~ provide grants, upon application, to county offices of education for the acquisition of such training programs to disseminate to districts at no cost.

Suicide prevention training shall be provided to teachers, **interns**, counselors, and others ~~district employees~~ who interact with students, **including, as appropriate, substitute teachers, coaches, expanded day learning staff, crossing guards, tutors, and volunteers.** The training shall be offered under the direction of a district counselor, ~~psychologist, and/or social worker who has received advanced training specific to suicide and who may collaborate and/or in cooperation~~ with one or more **county or** community mental health agencies.

SUICIDE PREVENTION (continued)

(cf. 1240 - Volunteer Assistance)
(cf. 4112.21 - Interns)
(cf. 4121 - Temporary/Substitute Personnel)
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5142 - Safety)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6145.2 - Athletic Competition)

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

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

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

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

Note: Staff development may include training about individual risk factors associated with suicide, as provided in item #2 below. Information about risk factors is available from **MHSOAC's Striving for Zero: California's Strategic Plan for Suicide Prevention 2020-2025** **CDE**, the Centers for Disease Control and Prevention, American Association of Suicidology, American Foundation for Suicide Prevention, Trevor Project, and other **publications**, agencies, and organizations.

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

(cf. 5131.6 - Alcohol and Other Drugs)

SUICIDE PREVENTION (continued)

3. **Identification of students who may be at risk of suicide, including, but not limited to,** warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum, **and promoting mental and emotional health, reducing the stigma associated with mental illness, and using safe and effective messaging about suicide**

6. The importance of early prevention and intervention in reducing the risk of suicide

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

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

- 87.** Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for **constant monitoring and supervision of** the student, **during the time the student is in the school's physical custody**, while the immediate referral of the student to medical or mental health services is being processed

- 98.** District procedures for responding after a suicide has occurred

10. Common misconceptions about suicide

The district may provide additional professional development in suicide risk assessment and crisis intervention to district mental health professionals, including, but not limited to, school counselors, psychologists, social workers, and nurses.

Instruction

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

SUICIDE PREVENTION (continued)

CDE recommends that the instruction be under the supervision of district-employed mental health professionals following consultation with county and community health agencies, and that it be incorporated into areas of the curriculum in addition to health classes.

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

1. Identify and analyze **warning signs of and risk factors associated with suicide, including, but not limited to, understanding how mental health challenges and emotional distress, such as depression and self-destructive behaviors in oneself and others and understand how** feelings of depression, loss, isolation, inadequacy, and anxiety, can lead to thoughts of suicide
2. Develop coping and resiliency skills **for dealing with stress and trauma, and building** self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults; school resources, **including the district's suicide prevention, intervention, and referral procedures;** and/or community crisis intervention resources where youth can get help **and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention**

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.6 - School Health Services)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6164.2 - Guidance/Counseling Services)

5. **Develop help-seeking strategies** and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

(cf. 5131.6 - Alcohol and Other Drugs)

6. **Recognize that early prevention and intervention can drastically reduce the risk of suicide**

The Superintendent or designee may develop and implement school activities that raise awareness about mental health wellness and suicide prevention.

SUICIDE PREVENTION (continued)*(cf. 6145.8 - Assemblies and Special Events)***Student Identification Cards**

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

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

Intervention

Note: Education Code 215 mandates that the district's policy and procedures address suicide intervention. The following section should be revised to reflect district practice. ~~In addition, the district may choose to incorporate crisis intervention strategies in its comprehensive school safety plan adopted pursuant to Education Code 32280-32289.5; see BP/AR 0450 - Comprehensive Safety Plan.~~

~~The following paragraph is for use by districts that have formed and trained district and/or school site crisis intervention team(s) to assist with suicide intervention; see the accompanying Board policy. The National Association of School Psychologists (NASP) recommends that crisis intervention teams assign one or more individuals as a "designated reporter" to receive and act upon all reports from teachers, other staff, and students who may be suicidal.~~

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

The Superintendent or designee shall provide the name, title, and contact information of the members of the district and/or school crisis intervention team(s) to students, staff, parents/guardians, and caregivers and on school and district web sites. Such notifications shall identify the mental health professional who serves as the crisis intervention team's designated reporter to receive and act upon reports of a student's suicidal intention.

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

SUICIDE PREVENTION (continued)

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

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

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, ~~referenced, or~~ **discussed, or referred to** with third parties, the counselor may report to the principal or student's parents/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment, **or to report child abuse and neglect as required by Penal Code 11164-11174.3**. (Education Code 49602)

(cf. 5141 - Health Care and Emergencies)

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

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

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

SUICIDE PREVENTION (continued)*(cf. 0450 - Comprehensive Safety Plan)**(cf. 5141 - Health Care and Emergencies)*

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

(cf. 5125 - Student Records)

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

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

Postvention

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

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

SUICIDE PREVENTION (continued)

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

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

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

(cf. 1112 - Media Relations)

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

(12/18 3/20) 6/21

CSBA Sample Board Policy

Students

BP 5142.2(a)

SAFE ROUTES TO SCHOOL PROGRAM

Note: The following optional policy may be revised to reflect district practice. ~~Districts are encouraged to review CSBA's policy brief, *Safe Routes to School: Program and Policy Strategies for School Districts*, when developing policy on this topic.~~

Education Code 44808 provides that districts are not responsible or in any way liable for the conduct or safety of students at any time when students are not on school property unless the district has undertaken to provide transportation for students to and from the school premises, has undertaken a school-sponsored activity off premises, has otherwise specifically assumed responsibility or liability, or has failed to exercise reasonable care under the circumstances. ~~In addition, districts should consult legal counsel and/or the district's insurance provider regarding any potential liability issues.~~ Also see **BP/AR 5142 - Safety.**

~~Both state and federal grants are available to support local efforts to increase the number of students walking and bicycling to school and to make it safer for them to do so. The federal Safe Routes to Schools (SRTS) program supports both infrastructure and noninfrastructure projects and focuses on grades K-8 (23 USC 148). The state program, referred to as SR2S, provides funding to cities and counties for infrastructure projects in the vicinity of K-12 schools, with up to 10 percent expenditure allowable for noninfrastructure activities (Streets and Highways Code 2333.5). Funding for both federal and state programs is distributed through the California Department of Transportation's (Caltrans) Division of Local Assistance. Questions about program administration may be directed to the Caltrans regional coordinator.~~

Strategies to promote walking, bicycling, and other forms of active transport to school may be **included referenced** in the district's school wellness policy, adopted pursuant to ~~the federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b)~~, which is required to include goals for physical activity, ~~see BP 5030 - Student Wellness.~~ Strategies may also be included in the district's comprehensive safety plan adopted pursuant to Education Code 32282, ~~and see AR 0450 - Comprehensive Safety Plan. the district's environmental programs.~~ ~~See BP 5030 - Student Wellness, AR 0450 - Comprehensive Safety Plan, and BP 3510 - Green School Operations.~~

The Governing Board recognizes that walking, bicycling, and other forms of active transport to school **promote increase** students' physical activity and reduce vehicle traffic and air pollution in the vicinity of schools. As part of the district's coordinated approach to supporting student wellness and safety and enhancing student learning **and achievement**, the Superintendent or designee shall develop and implement strategies to establish and **promote encourage** safe routes to school program activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3510 - Green School Operations)
(cf. 3514 - Environmental Safety)
(cf. 5030 - Student Wellness)
(cf. 5142 - Safety)

All students shall have equitable access and opportunity to participate in the district's safe routes to school program.

SAFE ROUTES TO SCHOOL PROGRAM (continued)

(cf. 0415 - Equity)

Note: Districts that have a school wellness council and/or a committee that focuses on environmental efforts may want to identify those groups to assist with the planning and coordination of safe routes to school activities, as described below. Districts may revise the following paragraph to reflect district practice.

The Superintendent or designee may **identify appoint** a program coordinator ~~or and identify~~ **or** establish district and/or school site committees to oversee and coordinate related activities.

The Superintendent or designee may collaborate with local public works and public safety departments, transportation agencies, other city and county agencies, school staff, students, parents/guardians and parent organizations, health organizations, community organizations, and/or businesses in the development, implementation, and evaluation of strategies.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 6020 - Parent Involvement)

Strategies **in support of the safe routes to school program** shall be based on the grade levels of the students and an assessment of the conditions and needs of each school and the surrounding neighborhoods.

Note: Both state and federal grants are available to support local efforts to increase the number of students walking and bicycling to school and to make it safer for them to do so. The federal Safe Routes to Schools (SRTS) program supports both infrastructure and noninfrastructure projects and focuses on grades K-8 (23 USC 148). The state program, referred to as SR2S, provides funding to cities and counties for infrastructure projects in the vicinity of K-12 schools, with up to 10 percent expenditure allowable for noninfrastructure activities (Streets and Highways Code 2333.5). Pursuant to 23 USC 133, funding for infrastructure and noninfrastructure projects that support safe routes to schools may be available under the Surface Transportation Block Grant. At the state level, districts may apply for funding through the Active Transportation Program (ATP) (Streets and Highways Code 2380-2385). Funding for both federal and state programs is distributed through the California Department of Transportation's (Caltrans) Division of Local Assistance. Questions about program administration may be directed to the Caltrans regional coordinator.

When local agencies partner together to apply for a state or federal grant, the city or county is generally the lead applicant for infrastructure funding. A school district may be named as the responsible agency for a federal grant if it partners with a city, county, or transportation agency. However, **Additionally, the district may collaborate **with local agencies and organizations** to find funding sources and **also** may seek alternative funding sources for district projects and events that are not covered by a grant.**

Streets and Highways Code 2380 expresses legislative intent that disadvantaged communities fully share in the benefits of the ATP, and Streets and Highways Code 2382 requires that the guidelines for the ATP ensure that no less than 25 percent of overall program funds benefit disadvantaged communities, as defined, during each program cycle.

SAFE ROUTES TO SCHOOL PROGRAM (continued)

The Superintendent or designee shall explore the availability of grant funds and other sources of funding to support related projects and activities.

(cf. 1260 - Educational Foundation)

(cf. 3100 - Budget)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3470 - Debt Issuance and Management)

(cf. 3471 - Parcel Taxes)

(cf. 7110 - Facilities Master Plan)

Note: The following **optional** paragraph may be revised to reflect indicators agreed upon by the Governing Board and Superintendent **or designee** to assess progress toward program goals. To assist with program evaluation, the National Center for Safe Routes to School (NCSRTS) has developed a standardized survey of parents/guardians' attitudes about allowing their child to walk or bicycle to school as well as student tally forms for recording the modes of travel that students use. NCSRTS recommends that a district use these forms both before and after implementation of a project in order to evaluate changes in attitudes and behaviors. NCSRTS also provides **an online data system to enter and view data collected from the data analysis and report preparation** of parent surveys and student tallies. Caltrans requires the use of these evaluation forms by grant recipients.

The Superintendent or designee shall periodically report to the Board on the implementation of program activities and progress toward program goals. Such reports may include, but **are** not **be** limited to, levels of participation in promotional and educational activities, survey results of parent/guardian attitudes about allowing their child to walk or bicycle to school, tallies of the numbers of students using various modes of travel to and from school and how these numbers have changed over time, records of student attendance and on-time arrival, and injury data within the school and/or district attendance boundaries.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

32282 ~~32283~~ Comprehensive safety plan

44808 Liability for conduct or safety of students when not on district property

45450-45451 Crossing guards

GOVERNMENT CODE

65352.2 General planning; communication between cities, counties and school districts

STREETS AND HIGHWAYS CODE

2333.5 Safe routes to schools construction program

2380-2385 Active Transportation Program

VEHICLE CODE

21200-**21213** ~~21212~~ Operation of bicycles, especially:

21212 Helmet required for bicycle, nonmotorized scooter, skateboard, skates

21949-21971 Pedestrian rights and duties

Legal Reference continued: (see next page)

SAFE ROUTES TO SCHOOL PROGRAM (continued)*Legal Reference: (continued)*UNITED STATES CODE, TITLE 23**133 Surface transportation block grant program**

148 Highway safety improvement program

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

COURT DECISIONS**Cerna v. City of Oakland (2008) 161 Cal.App.4th 1340***Management Resources:***CSBA PUBLICATIONS****Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, August 2009****Building Collaboration: Tools and Ideas for Creating Active Living, Healthy Eating Communities, August 2009****CALIFORNIA DEPARTMENT OF TRANSPORTATION PUBLICATIONS****Active Transportation Program Fact Sheet, January 2020****ATP Purpose and Goals as Defined by the State Legislature and SB 99, March 2015****NATIONAL CENTER FOR SAFE ROUTES TO SCHOOL PUBLICATIONS**Safe Routes to School Guide**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PUBLICATIONS****Advancing Pedestrian and Bicyclist Safety: A Primer for Highway Safety Professionals, April 2016**Safe Routes to School Toolkit, 2002**SAFE ROUTES TO SCHOOL NATIONAL PARTNERSHIP PUBLICATIONS****Safe Routes to School by the Numbers: Using Data to Foster Walking and Biking to School, June 2016**Safe Routes to School 2009 Policy Report: Moving to the Future: Building on Early Achievements, March 2009**WEB SITES**CSBA: <http://www.csba.org>**California Center for Physical Activity: <http://www.caphysicalactivity.org>**

California Department of Transportation, Safe Routes to School:

<http://www.dot.ca.gov/hq/LocalPrograms/saferoutes/saferoutes.htm>National Center for Safe Routes to School: <http://www.saferoutesinfo.org>National Highway Traffic Safety Administration: <http://www.nhtsa.gov>Safe Routes to School National Partnership: <http://www.saferoutespartnership.org>

U.S. Department of Transportation, Federal Highway Administration, Safe Routes to School:

<http://safety.fhwa.dot.gov/saferoutes> https://www.fhwa.dot.gov/environment/safe_routes_to_school

(7/09) 6/21

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CSBA Sample Administrative Regulation

Students

AR 5142.2(a)

SAFE ROUTES TO SCHOOL PROGRAM

Note: The following **optional** administrative regulation should be revised to reflect district practice. The strategies listed below are organized around the "**five fundamental E's**" (**education, encouragement, enforcement, engineering, and evaluation**) recommended for inclusion in all local programs by the U.S. Department of Transportation's Federal Highway Administration (**NHTSA**) and the National Center for Safe Routes to School's online resource guide, **the Safe Routes to School Guide**. **NHTSA's Advancing Pedestrian and Bicyclist Safety: A Primer for Highway Safety Professionals** states that the most often addressed E's are engineering, education, and enforcement, with encouragement and engagement, evaluation, emerging technologies, emergency response, and equity as other important E's to consider.

District strategies to improve student safety along routes to school and to promote walking, bicycling, and other forms of active transport to school by students may include:

1. Education activities that promote safety and awareness, such as:
 - a. Instructing students about pedestrian, bicycle, and personal safety
 - b. Instructing students about the health, **academic**, and environmental benefits of walking, bicycling, and other forms of active transport to school

(cf. 3510 - Green School Operations)

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

- c. Offering driver safety **education information** to high school students, parents/guardians, and the community **to promote safety around school campuses and routes**
2. Encouragement strategies designed to generate interest in active transport to school, such as:
 - a. Organizing or facilitating "walking school buses" and/or "bicycle trains" whereby students walk or bike to school in groups escorted by parents/guardians or other volunteers as needed
 - b. Organizing special events and activities, such as Walk or Bike to School Day, International Walk to School Month, or year-round competitions
 - c. Publicizing the district's efforts in order to build support of parents/guardians and the community, including providing information about the district's safe

SAFE ROUTES TO SCHOOL PROGRAM (continued)

routes to school program in parent/guardian communications and in any notifications about transportation options

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District Sponsored Social Media)

(cf. 3540 - Transportation)

(cf. 3541 - Transportation Routes and Services)

3. Enforcement strategies to deter unsafe behaviors of drivers, pedestrians, and bicyclists, such as:
 - a. Initiating or expanding crossing guard, student safety patrol, and/or parent/guardian safety patrol programs

(cf. 5142 - Safety)

- b. Partnering with local law enforcement to help ensure that traffic laws are obeyed in the vicinity of schools and to implement appropriate measures such as placement of speed feedback monitors, ticketing, and/or driver safety campaigns
 - c. Monitoring to ensure that students who bicycle to school or who use skateboards, skates, or nonmotorized scooters wear helmets in accordance with Vehicle Code 21212
4. Engineering strategies that address the design, implementation, operation, and maintenance of traffic control devices or physical measures, such as:
 - a. Working with local government agencies, parents/guardians, school staff, and others as appropriate to gather data about environmental conditions and hazards along routes to school

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 6020 - Parent Involvement)

- b. Working with local government agencies to make operational and physical improvements that reduce or eliminate hazards, such as reducing motor vehicle traffic speeds in the area and establishing safer and fully accessible crosswalks, walkways, trails, and bikeways

SAFE ROUTES TO SCHOOL PROGRAM (continued)

- c. Assessing the adequacy, accessibility, and safety of bicycle parking at schools and making modifications as needed, such as increasing the number of or relocating bicycle racks and/or equipment storage areas

(cf. 7111 - Evaluating Existing Buildings)

- d. Considering safe routes to school when making decisions about siting and designing of new schools

(cf. 7110 - Facilities Master Plan)

(cf. 7150 - Site Selection and Development)

Note: See the accompanying Board policy for additional information about program evaluation, including examples of indicators that may be used to measure program implementation and effectiveness.

- 5. Evaluation to assess progress toward program goals, including:
 - a. Gathering and interpreting data based on indicators established by the Superintendent ~~or designee~~ and the Governing Board
 - b. Presenting data to the Board, program partners, and the public
 - c. Recommending program modifications as needed

6. Emerging technologies that aid in the prevention and mitigation of accidents

7. Emergency response in managing injuries after an accident occurs, including, but not limited to, training staff, crossing guards, student and/or parent/guardian safety patrols, and other volunteers who assist with drop-off and pick-up in emergency procedures

(cf. 0450 - Comprehensive Safety Plan)

8. Equity, such that resources are distributed in a manner that provides safe access and participation in an equitable manner

(cf. 0415 - Equity)

(7/09) 6/21

CSBA Sample Board Policy

Students

BP 5145.12(a)

SEARCH AND SEIZURE

Note: The following optional policy and accompanying administrative regulation should be modified to reflect district practice. The legality of a search by school officials is complex and depends on the particular circumstances surrounding the search. Districts with specific questions about the legality of a search should consult legal counsel. It is also recommended that the district work with legal counsel to provide staff development for employees conducting searches on behalf of the district.

The following policy and accompanying administrative regulation address circumstances under which searches of individual students may be authorized based on individualized suspicion, and circumstances under which the district may conduct searches without individualized suspicion (e.g., searches of lockers, use metal detectors, or use contraband detection dogs). In *In re Sean A.*, the Court of Appeal upheld a limited search for weapons or drugs without individualized suspicion where a school policy called for students who left campus and returned in the middle of the day to be searched. Districts that wish to develop policy authorizing limited searches for weapons or drugs without individualized suspicion should consult legal counsel.

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, **and only as authorized by law, Board policy, and administrative regulation**, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items. **The Board urges that employees School officials shall exercise discretion and use good judgment when conducting searches.**

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

~~The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.~~

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

~~*(cf. 1312.1 - Complaints Concerning District Employees)*~~

~~*(cf. 5145.3 - Nondiscrimination/Harassment)*~~

SEARCH AND SEIZURE (continued)

Note: As discussed below, the law surrounding student searches is complex. Therefore, it is recommended that the district work with legal counsel to provide training for employees conducting searches on behalf of the district.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Individual Searches Based on Individualized Suspicion

Note: The Fourth Amendment of the U.S. Constitution, which prohibits unreasonable search and seizure, also applies to students in the school setting. In *New Jersey v. T.L.O.*, the U.S. Supreme Court held that the legality of a search of a student and/or ~~his/her~~ **the student's** belongings depends on whether the search is "reasonable." The "reasonableness" of a search depends on two factors: (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction.

In *Redding v. Safford Unified School District*, the U.S. Supreme Court held that a strip search of a student (permissible in Arizona schools) was beyond the scope and overly intrusive in light of the seriousness of the student's alleged violation (i.e., possession of ibuprofen), the lack of immediate danger, and the lack of justification for the search given that the basis of the search was an uncorroborated tip from a fellow student. Although the specific type of search discussed in the court decision is not permissible in California schools pursuant to Education Code 49050, the factors considered by the court are applicable to an analysis as to whether a search is reasonable in scope, as specified below.

The law regarding searches of students' cellular phones, personally owned computers, or other personal communications devices is still developing. It is especially difficult to determine whether the school can impose discipline in circumstances where the behavior, such as sending a threatening message, occurs off-campus; see BP 5131 - Conduct. When the student brings an electronic device onto school grounds, it may be searched by school officials, but the search is subject to the same legal standards as a search of other student property, such as a backpack or purse. Therefore, when searching a student's personally owned electronic device, the district must have individualized suspicion that the search will lead to evidence that the student is violating a specific law or school rule and the scope of the search must be reasonably related to that violation. For example, searching a student's phone for evidence against another student or searching text messages extending well beyond the period of time of the alleged violation would likely be considered excessive in scope and thus unlawful. These standards for personally owned items are not applicable to a district's right to monitor a student's use of district owned computer equipment or networks, subject to the district's acceptable use agreement; see BP/E 6163.4 - Student Use of Technology.

School officials may search any individual student, ~~his/her~~ **the student's** property, or district property under ~~his/her~~ **the student's** control when there is a reasonable suspicion that the search will uncover evidence that ~~he/she~~ **the student** is violating the law, Board policy,

SEARCH AND SEIZURE (continued)

administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Note: In *Redding v. Safford Unified School District*, the U.S. Supreme Court held that a strip search of a student (permissible in Arizona schools) was beyond the scope and overly intrusive in light of the seriousness of the student's alleged violation (i.e., possession of ibuprofen), the lack of immediate danger, and the lack of justification for the search given that the basis of the search was an uncorroborated tip from a fellow student. Although the specific type of search discussed in the court decision is not permissible in California schools pursuant to Education Code 49050, the factors considered by the court are applicable to an analysis as to whether a search is reasonable in scope, as specified below.

Any search of a student, **his/her the student's** property, or district property under **his/her the student's** control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, **and** student vehicles parked on district property, cellular phones, or other electronic communication devices.

Note: In California, searches of personal electronic devices such as cellular phones are subject to the restrictions imposed by Penal Code 1546.1 in addition to the prohibitions against unreasonable searches and seizures under the Fourth Amendment. Districts with questions about searches of electronic devices such as cellular phones should consult legal counsel.

A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information.

(cf. 6163.4 - Student Use of Technology)

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

SEARCH AND SEIZURE (continued)

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 by Law Enforcement)

Searches of Multiple Student Lockers and Desks

Note: The ability of school officials to search a locker without individualized suspicion depends on whether, under the circumstances, the student has a reasonable expectation of privacy in the locker. In *In re Cody S.*, the Court of Appeal observed that, while students in California generally have a reasonable expectation of privacy in lockers, that expectation can be limited where school policy makes it clear that lockers are the property of the district and subject to search. Nonetheless, board policy alone will not determine whether a student has a reasonable expectation of privacy in a locker as other circumstances such as staff communication and school practice can also inform the reasonableness of a student's expectation of privacy. Districts with specific questions about whether school officials can search lockers without individualized suspicion should consult legal counsel.

Like other student belongings, individual lockers and desks may be searched when there is reasonable, individualized suspicion, subject to the limits discussed in the above section entitled "Individual Searches." An argument could be made that, because lockers and desks are the property of the district, a student does not have an expectation of privacy and thus school officials could search them at any time, without individualized suspicion. However, because California courts have not ruled on this issue, the state of the law is unclear and districts that wish to develop policy authorizing searches of lockers and desks at any time, without individualized suspicion, should consult legal counsel.

The following optional section is for districts that conduct regular, announced inspections of multiple student lockers and/or desks and should be revised to reflect district practice. Because such searches are random and announced in advance, individualized suspicion is not required.

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or 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.

Use of Metal Detectors

Note: In *In re Latasha W.*, the Court of Appeal upheld a policy of random weapons screening with a handheld metal detector. In addition, an Attorney General opinion (75 Ops.Cal.Atty.Gen. 155 (1992)) states that the reasonable use of metal detectors to deter the presence of weapons in schools is appropriate without individualized suspicion. The Attorney General recommends that the Governing Board make a specific finding identifying the rationale for the use of metal detectors. This finding need not be based on a specific weapons incident, but rather may be based on the need for metal detectors in response to the general harm caused by weapons and the need to provide a safe learning environment.

The following optional paragraph should be modified to reflect the district's rationale for the use of metal detectors.

SEARCH AND SEIZURE (continued)

The Board **believes finds** 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 finds** that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

Note: The Board should consider where and when metal detectors will be used, such as on a permanent basis at certain sites, rotated among sites, during regular school hours, and/or during special events such as athletic events or dances. To ensure that a metal detector search is reasonable, the Attorney General recommends that an administrative plan be established which contains uniform, established procedures and adequate safeguards against arbitrary and capricious enforcement by school officials. For example, the plan may specify that metal detectors be used at randomly selected schools or that students will be searched on a random basis (e.g., every fifth student entering). The key is to ensure that neutral criteria are applied so that the persons conducting the search do not exercise discretion in determining whether specific persons are targeted or selected for the search. The Attorney General's opinion also recommends that the district's use of metal detectors be incorporated into the district and/or school site safety plan; see BP/AR 0450 - Comprehensive Safety Plan. See the accompanying administrative regulation for other safeguards identified by the Attorney General.

The Superintendent or designee shall use metal detectors **at district schools** as necessary to **keep weapons out of schools and** help provide a safe learning environment. **He/she The Superintendent or designee** shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Use of Contraband Detection Dogs

Note: The following **optional** section is for districts that use trained dogs for random and unannounced inspections for contraband. Prior to instituting such a program, districts wishing to conduct these types of "sniff searches" should make specific findings as to the need for the program and consult legal counsel.

Legally, problems arise when individual persons are sniffed and when students are separated from their belongings so that the belongings can be sniffed. In B.C. v. Plumas, the 9th Circuit Court of Appeals concluded that the random and suspicionless dog sniff of a student as he walked by the dog while exiting the room was unreasonable. The court found compelling the fact that there were not specific findings of a serious drug problem at the school that would necessitate the need for the use of the dogs. This court did not rule on whether sniffs of inanimate objects (such as automobiles or lockers) in a school setting are legal. However, courts outside of California (Zamora v. Pomeroy and Horton v. Goose Creek Independent School District) have indicated that dog sniffing around lockers and cars would probably not be deemed a "search" and thus would be permissible on a random basis without individualized suspicion. If the dog then alerts on a particular car or locker, this alert could then constitute the reasonable suspicion needed in order to conduct a search.

The law is unclear as to whether the district can conduct random and unannounced use of dogs whereby students are asked or required to leave their belongings so that the dog can sniff those belongings. An Attorney General opinion (83 Ops.Cal.Atty.Gen. 257 (2001-2000)) states that, unless exigent circumstances exist (e.g., supporting data of a known drug problem), requiring students to leave their belongings behind in the classroom (e.g., backpacks, purses, jackets) in order to conduct random, unannounced and neutral sniff

SEARCH AND SEIZURE (continued)

tests on students' personal belongings would be unreasonable and therefore unconstitutional. Whether the district can "ask" students to leave their belongings behind is also questionable since such a request might be considered an unconstitutional "seizure." Districts that wish to institute either type of policy should consult legal counsel and have specific data demonstrating the need for such a policy. Although Attorney General opinions are not law, they are generally afforded deference by the courts. See the accompanying administrative regulation.

In an effort to keep the schools free of dangerous contraband, 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. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons **without individualized suspicion.** ~~without their consent.~~

Legal Reference: (see next page)

SEARCH AND SEIZURE (continued)

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

48900-48927 Suspension and expulsion

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor

1546-1546.1 Production of or access to electronic communication informationCALIFORNIA CONSTITUTION

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

COURT DECISIONS**In G.C. v. Owensboro Public Schools (6th Cir. 2013) 711 F.3d 623****In re Sean A. (2010) 191 Cal. App. 4th 182**Redding v. Safford Unified School District, (2009) 557 U.S. 364 (2009)B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260Jennings v. Joshua Independent School District, (5th Cir. 1992) 948 F.2d 194 557 U.S. 364 (2009)**In re Cody S., 121 Cal. App. 4th 86, 92 (2004)****Klump v. Nazareth Area School District (E.D. Pa. 2006) 425 F. Supp. 2d 622, 640****In Re William V. (2003) 111 Cal.App.4th 1464**B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260**In re Latasha W. (1998), 60 Cal. App. 4th 1524**O'Connor v. Ortega, (1987) 480 U.S. 709**In re William G (1985) 40 Cal. 3d 550**New Jersey v. T.L.O., (1985) 469 U.S. 325Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662ATTORNEY GENERAL OPINIONS83 Ops.Cal.Atty.Gen. 257 **(2001-2000)**75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONSThe Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999WEB SITESCSBA: <http://www.csba.org>California Attorney General's Office: <http://caag.state.ca.us>California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

(3/01 11/08) 6/21

CSBA Sample Board Policy

Students

BP 5145.9(a)

HATE-MOTIVATED BEHAVIOR

Note: The following **optional** policy addresses prevention strategies for hate-motivated incidents and should be modified to reflect district practice. Elements of this policy may be integrated into existing district and school site plans, such as the local control and accountability plan, comprehensive school safety plan, and staff development plans.

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

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

(cf. 0415 - Equity)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131- Conduct)

(cf. 5131.2 - Bullying)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Note: The following paragraph reflects the definition of "hate-motivated behavior" specified in the California Department of Education's (CDE) publication Bullying at School, expanded to include the categories of protected characteristics identified in state and federal law. Also see BP 0410 - Nondiscrimination in District Programs and Activities and AR 1312.3 - Uniform Complaint Procedures.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

HATE-MOTIVATED BEHAVIOR (continued)

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents **in a timely manner if when they occur.**

Note: Hate-motivated behavior, such as an assault, physical threat, bomb threat, destruction of property, graffiti, and **certain types of** vandalism, may constitute a crime under state or federal law. Local law enforcement agencies, **and human rights commissions, and community organizations** throughout the state have established countywide hate crimes networks aimed at responding to and preventing hate crimes.

Districts can identify local hate crime resources through the California Association of Human Relations Organizations, which conducts activities designed to protect human and civil rights **by creating a climate of respect and inclusion** through networks of collaborations that reduce community tension and build intergroup relationships.

The following optional paragraph should be revised to reflect district practice.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote **safe an environments for youth where diversity is celebrated and hate-motivated behavior is not tolerated.** Such collaborative efforts shall focus on **ensuring an efficient use of district and community resources, developing the development of** effective prevention strategies and response plans, **providing provision of** assistance to students affected by hate-motivated behavior, and/or **educating education of** students who have perpetrated hate-motivated acts.

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

The district shall provide students with age-appropriate instruction that:

- 1. i**Includes the development of social-emotional learning;
- 2. p**Promotes **their an** understanding, **awareness, appreciation, of** and respect for human rights, **human relations**, diversity, and acceptance in a multicultural society;
- 3. Explains the harm and dangers of explicit and implicit biases**
- 4. Discourages discriminatory attitudes and practices and**
- 5. p**Provides strategies to manage conflicts constructively;

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.94 - History-Social Science Instruction)

HATE-MOTIVATED BEHAVIOR (continued)

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

(cf. 6164.2 - Guidance/Counseling Services)

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

(cf. 5144 - Discipline)

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

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

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

Note: Education Code 218 requires CDE, by July 1, 2021, to develop and/or update resources for use in schools serving students in grades 7-12 for in-service training for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, and strategies to increase support for LGBTQ students which improve overall school climate. Pursuant to Education Code 218, districts that serve students in grades 7-12 are encouraged to use such resources to provide training at least once every two years to teachers and other certificated staff.

The Superintendent or designee shall provide staff with training **that on:**

- 1. Promotes an understanding of diversity, equity, and inclusion**
- 2. Discourages the development of discriminatory attitudes and practices**
- 3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods**
- 4. Supports the prevention, recognition, recognizing and response preventing to** hate-motivated behavior
- 5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior and on**
- 6. Includes effectively enforcement enforcing of** rules for appropriate student conduct.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

HATE-MOTIVATED BEHAVIOR (continued)

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

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

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

The Superintendent or designee shall ensure that the Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident ~~are~~ **shall be** provided to students, **staff**, and parents/guardians.

This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

(cf. 1113 - District and School Web Sites)

Complaints Process

Note: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on race or ethnicity, nationality, **disability**, gender, **gender identity**, **gender expression**, sex, sexual orientation, religion, immigration status, or any characteristic contained in the definition of hate crimes in Penal Code 422.55, **or association with a person or group with one or more of these actual or perceived characteristics**. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25). Pursuant to 5 CCR 4600-4670, uniform complaint procedures (UCP) must be used for this purpose. See BP/AR 1312.3 - Uniform Complaint Procedures. **Complaints of sexual harassment that meet the federal definition of sexual harassment in 34 CFR 106.30 must be addressed through the procedures specified in 34 CFR 106.44-106.45; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

Although some incidents of harassment, intimidation, or bullying may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA **strongly** recommends that districts use the UCP to investigate all incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was victimized because of **his/her an** actual or perceived membership in a legally protected class. Those incidents found to involve discrimination based on the results of the investigation would then be resolved using the UCP. When an incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary process.

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

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the **principal**

HATE-MOTIVATED BEHAVIOR (continued)

~~or the~~ compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, ~~he/she~~ **the staff member** shall also contact law enforcement.

(cf. 3515.3 - District Police/Security Department)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

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

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

~~*(cf. 5144 - Discipline)*~~

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

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

~~*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*~~

Legal Reference: (see next page)

HATE-MOTIVATED BEHAVIOR (continued)*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for **threats or harassment, threats, or intimidation**GOVERNMENT CODE**11135 Prohibition of discrimination in programs or activities**PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.30 Discrimination on the basis of sex in education programs and activities; definitions**106.44 Recipient's response to sexual harassment****106.45 Grievance process for formal complaints of sexual harassment**

110.25 Prohibition of discrimination based on age

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSBullying at School, 2003CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONSPromoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018**HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS****California LGBTQ Youth Report, 2019**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONSDear Colleague Letter: Harassment and Bullying, October 2010Dear Colleague Letter: Prohibited Disability Harassment, July 2000WEB SITESCSBA: <http://www.csba.org>California Association of Human Relations Organizations: <http://www.cahro.org>California Department of Education: <http://www.cde.ca.gov>California Office of the Attorney General: <http://oag.ca.gov>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>**U.S. Department of Health and Human Services: <http://www.stopbullying.gov>**U.S. Department of Justice: <https://www.justice.gov>

(7/09 5/18) 6/21

CSBA Sample Board Policy

Students

BP 5148(a)

CHILD CARE AND DEVELOPMENT

Note: The following optional policy is for use by districts that operate child care and development services through a contract with the California Department of Education (CDE) may be revised to reflect the type(s) of child care and development programs offered by the district.

The Child Care and Development Services Act (Education Code 8200-8499.10) establishes a variety of child care programs that may be offered by districts or other local providers. These include, including but are not limited to, General Child Care and Development, Resource and Referral, Alternative Payment, Migrant Child Care and Development, and Severely Handicapped programs resource and referral programs (Education Code 8210-8216; 5 CCR 18240-18248), alternative payment programs (Education Code 8220-8227.7; 5 CCR 18220-18231), migrant child care and development programs (Education Code 8230-8233), general child care and development programs (Education Code 8240-8244), and programs for children with special needs (Education Code 8250-8252). Pursuant to Welfare and Institutions Code 10200-10206, as added by SB 98 (Ch. 24, Statutes of 2020), effective July 1, 2021, the state's responsibility for administering these programs will transfer from the California Department of Education (CDE) to the California Department of Social Services (CDSS).

The district may revise the following policy to reflect the specific program(s) offered by the district and to ensure its compliance with the terms of its contract(s) with the CDE. Compliance with major requirements for early education and support programs is reviewed during the CDE's Federal Program Monitoring/Contract Monitoring Review process.

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), see BP/AR 5148.2 - Before/After School Programs. The California State Preschool Program (Education Code 8235-8239) for children ages 3-4 is addressed in BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6175 - Migrant Education Program)

The Board shall enter into a contract with the California Department of ~~Education (CDE)~~ **Social Services (CDSS)** for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 8499-8499.7 establish county-level child care and development planning councils, with members selected by the

CHILD CARE AND DEVELOPMENT (continued)

County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

Note: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

Eligibility and Enrollment

Note: Pursuant to 5 CCR 18105, districts contracting with CDE to offer child care services are **mandated** to develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

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

(cf. 3540 - Transportation)

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

CHILD CARE AND DEVELOPMENT (continued)

Note: Education Code 8263 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Education Code 8322 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

Note: The following paragraph is **optional** and may be revised to reflect any district-established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

(cf. 5111.1 - District Residency)

(cf. 5146 - Married/Pregnant/Parenting Students)

Staffing

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Education Code 8360-8370 and 5 CCR 80105-80125. The district may request ~~from the CDE~~ a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Education Code 8208(aa) and 5 CCR 18295.

Health and Safety Code 1596.7995, ~~as added by SB 792 (Ch. 807, Statutes of 2015)~~, requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055, ~~as amended by SB 792~~, requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

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

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

CHILD CARE AND DEVELOPMENT (continued)

Facilities

Note: **Optional** items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

~~Pursuant to Education Code 8278.3, districts providing subsidized child care services that have a current need for facilities are eligible to apply for loans under the Child Care Facilities Revolving Fund. For further information, see the CDE's web site.~~

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

(cf. 1330.1 - Joint Use Agreements)

(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

Note: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, **5 CCR 4611, as amended by Register 2020, No. 21, provides that as clarified in the CDE's brochure Uniform Complaint Procedures,** health and safety complaints regarding **licensed facilities that operate a** child care and development programs should be referred to **other agencies CDSS** as described in the following paragraph and BP 1312.3.

Pursuant to 22 CCR 101156, all child care centers must be licensed by **the California Department of Social Services CDSS** unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are **either licensed or all** license-exempt, **the district may revise the following paragraph to reflect the types of facilities maintained by the district. the following paragraph may be deleted.**

CHILD CARE AND DEVELOPMENT (continued)

For a licensed child care center, any complaint alleging health and safety violations shall be referred to **CDSS** ~~the California Department of Social Services.~~ For a license exempt facility, such complaints shall be referred to the appropriate **Child Development regional administrator.** (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Program Evaluation

Note: 5 CCR 18279-18281 require child care and development programs to be evaluated through the **CDE's** standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale ~~using instruments selected by the CDE; see the accompanying administrative regulation.~~ **The annual report submitted to the CDE also must include an action plan presented on the appropriate CDE form.**

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. **The results of the evaluation shall be used to develop** ~~The evaluation report shall be submitted to the Board and the CDE along with~~ an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

Legal Reference: (see next page)

CHILD CARE AND DEVELOPMENT (continued)*Legal Reference:*EDUCATION CODE

8200-8499.10 *Child Care and Development Services Act, especially:*
 8200-8209 *General provisions for child care and development services*
 8210-8216 *Resource and referral program*
 8220-8226 *Alternative payment program*
 8230-8233 *Migrant child care and development program*
 8235-8239 *California state preschool program*
 8240-8244 *General child care programs*
 8250-8252 *Programs for children with special needs*
 8263 *Eligibility and priorities for subsidized child development services*
 8263.3 *Disenrollment of families due to reduced funding levels*
 8263.4 *Enrollment of students ages 11-12 years*
 8273-8273.3 *Fees*

8278.3 Child Care Facilities Revolving Fund

8360-8370 *Personnel qualifications*
 8400-8409 *Contracts*
 8482-8484.65 *After-school education and safety program*
 8484.7-8484.8 *21st Century community learning centers*
 8493-8498 *Facilities*
 8499-8499.7 *Local planning councils*
 49540-49546 *Child care food program*
 49570 *National School Lunch program*
 56244 *Staff development funding*

HEALTH AND SAFETY CODE

1596.70-1596.895 *California Child Day Care Act*
 1596.90-1597.21 *Day care centers*
 120325-120380 *Immunization requirements*

WELFARE AND INSTITUTIONS CODE10200-10206 Early Childhood Development Act of 2020CODE OF REGULATIONS, TITLE 5

4610-4687 *Uniform complaint procedures*
 18000-18434 *Child care and development programs, especially:*
 18012-18122 *General requirements*
 18180-18192 *Federal and state migrant programs*
 18210-18213 *Severely handicapped program*
 18220-18231 *Alternative payment program*
 18240-18248 *Resource and referral program*
 18270-18281 *Program quality, accountability*
 18290-18292 *Staffing ratios*
 18295 *Waiver of qualifications for site supervisor*
 18300-18308 *Appeals and dispute resolution*
 80105-80125 *Commission on Teacher Credentialing, child care and development permits*

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, especially:*
 101151-101163 *Licensing and application procedures*
 101212-101231 *Continuing requirements*
 101237-101239.2 *Facilities and equipment*

Legal Reference continued: (see next page)

CHILD CARE AND DEVELOPMENT (continued)*Legal Reference: (continued)*UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Programs

9831-9852 Head Start programs

9858-9858q Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

COURT DECISIONSCBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)

91 Cal.App.4th 892

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS14-03a Revised Child Care and Development Fee Schedule, Management Bulletin, September 2014Uniform Complaint Procedures, 201412-07 Disenrollment due to Maximum Reimbursable Amount Reduction, Management Bulletin, July 2012Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010WEB SITESCSBA: <http://www.csba.org>California Association for the Education of Young Children: <http://www.caeyc.org>California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>California Department of Social Services; Licensing Information: <http://eeld.ca.gov/PG492.htm><https://www.cdss.ca.gov>California Head Start Association: <http://caheadstart.org>California School-Age Consortium: <http://calsac.org>Commission on Teacher Credentialing: <http://www.ctc.ca.gov>National Association for the Education of Young Children: <http://www.naeyc.org>U.S. Department of Education: <http://www.ed.gov>

(7/11 7/15) 6/21

CSBA Sample Administrative Regulation

Students

AR 5148(a)

CHILD CARE AND DEVELOPMENT

Note: The following administrative regulation is for use by districts that operate child care and development services through a contract with the California Department of Education (CDE) and reflects provisions generally applicable to programs under the Child Care and Development Services Act (Education Code 8200-8499.7). Such programs include resource and referral programs (Education Code 8210-8216; 5 CCR 18240-18248), alternative payment programs (Education Code 8220-8227.7; 5 CCR 18220-18231), migrant child care and development programs (Education Code 8230-8233), California State Preschool Programs (CSPP) (Education Code 8235-8239.1), general child care and development programs (Education Code 8240-8244), and programs for children with special needs (Education Code 8250-8252). Pursuant to Welfare and Institutions Code 10200-10206, as added by SB 98 (Ch. 24, Statutes of 2020), effective July 1, 2021, the state's responsibility for administering these programs will transfer from the California Department of Education (CDE) to the California Department of Social Services (CDSS).

The district may revise this regulation to reflect specific requirements for the program(s) it offers. See BP/AR 5148.2 - Before/After School Programs for requirements pertaining to the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), and BP/AR 5148.3 - Preschool/Early Childhood Education for California State Preschool Program (CSPP) requirements.

The following administrative regulation does not reflect all policy language mandated for each specific program. The district should be careful to include the mandates, if any, applicable to the program(s) it offers. For example, for the alternative payment program, 5 CCR 18221 mandates a written policy statement that includes specified components, including, but not limited to, program purpose, enrollment priorities, reimbursement of providers, and family fee collection. For the resource and referral program, 5 CCR 18244 mandates written referral policies and written complaint procedures.

In addition to the program requirements described below, child care and development programs may be subject to other policies in the district's policy manual (e.g., BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program). Districts should consult legal counsel if they have questions regarding the applicability of other laws to the district's child care and development program.

Licensing

Note: Pursuant to 22 CCR 101156, all child care centers must be licensed by the California Department of Social Services (CDSS) unless exempted by law. Health and Safety Code 1596.792 and 22 CCR 101158 list exemptions from the licensure requirements including, but not limited to, any program that (1) is a "public recreation program" that meets the criteria specified in Health and Safety Code 1596.792, (2) is operated before and/or after school by qualified teachers employed by the district, (3) is a school parenting program or adult education child care program, (4) operates only one day per week for no more than four hours on that day, (5) offers temporary child care services to parents/guardians who are on the same premises as the child care site, (6) provides activities that are of an instructional nature in a classroom-like setting when K-12 students are normally not in session and the sessions do not exceed a total of 30 days when only school-age children are enrolled or 15 days when younger children are enrolled, or (7) is a CSPP program operated in a school building that meets specified health and safety requirements. If the district offers only programs that are exempted from licensure, it should modify the following regulation accordingly.

CHILD CARE AND DEVELOPMENT (continued)

Pursuant to Health and Safety Code 1596.951, **as added by AB 605 (Ch. 574, Statutes of 2018)**, CDSS **is** **was** required to adopt regulations by January 1, 2021 to create a new child care center license including components for serving infant, toddler, preschool, and school-age children; health and safety standards; and enhanced ability to transition children to the next age group. **However, the regulations were delayed due to the COVID-19 pandemic.** Pursuant to Health and Safety Code 1596.951, all child care centers are required to obtain this license by January 1, 2024.

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

Note: Items #1-7 and 9 below list components of child care and development programs **that are** required for all providers pursuant to 5 CCR 18272-18281. The Governing Board is required, pursuant to 5 CCR 18271, to approve goals and objectives addressing each of these program components; see the accompanying Board policy. The district may add components of other programs offered by the district.

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the **"Desired Results Developmental Profile," available from the California Department of Education (CDE), developmental profile** for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

CHILD CARE AND DEVELOPMENT (continued)

(cf. 6174 - Education for English Learners)

3. A staff development program which complies with 5 CCR 18274

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Parent/guardian involvement and education that comply with 5 CCR 18275 and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. 6020 - Parent Involvement)

5. A health and social services component that complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed

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

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. 5141.6 - School Health Services)

6. A community involvement component that complies with 5 CCR 18277

Note: Health and Safety Code 1596.808 establishes beverage standards for licensed child care centers. In addition, centers that receive funding through the Child and Adult Care Food Program (42 USC 1766) must meet federal guidelines for meals, snacks, fluid milk or nutritionally equivalent milk substitutes, and drinking water.

7. As applicable, a nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code 1596.808; 5 CCR 18278; 42 USC 1766)

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

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: Item #8 below is **optional** and may be revised to reflect district practice. 42 USC 1766 encourages child care centers to provide opportunities for physical activity and to limit the amount of time spent in sedentary activities, such as time spent using electronic **media devices**.

CHILD CARE AND DEVELOPMENT (continued)

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level

Note: 5 CCR 18279-18281 require an annual evaluation using the standardized "Desired Results for Children and Families" system ~~developed by CDE~~. The system requires a program self-evaluation that includes, ~~but is not limited to~~, a staff assessment, a parent/guardian survey, and an environment rating scale ~~using forms selected by CDE~~. Each contractor is required to submit a summary of the self-evaluation findings ~~to CDE~~ by June 1 of each year. ~~In addition, every three years, CDE conducts a Federal Program Monitoring/Contract Monitoring Review (FPM/CMR) process with each contract agency to review compliance with program requirements. The FPM/CMR instrument is available on the CDE's web site.~~

9. An annual plan for program evaluation which conforms with the state's ~~"Desired Results for Children and Families"~~ system and includes, ~~but is not limited to~~, a self-evaluation, parent/guardian survey, and environment rating scale ~~using forms provided by the CDE~~ (5 CCR 18270.5, 18279, 18280)

(cf. 0500 - Accountability)

Health and Safety

Note: The following section is for use by districts that offer one or more licensed child care programs. Health and Safety Code 1596.7996, as added by AB 2370 (Ch. 676, Statutes of 2018), requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health, which contains specified information regarding lead exposure and blood testing. The flyer is available on the CDSS web site.

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Health and Safety Code 1597.16, a licensed child care center located in a building that was constructed before January 1, 2010 must have its drinking water tested for lead contamination as provided below. A licensed child care center is subject to the temporary suspension of its license if it fails to comply with the requirements to cease using any fountains and faucets where elevated lead levels may exist and to provide potable water.

If a licensed child care center is located in a building that was constructed before January 1, 2010, the center shall have its drinking water tested for lead contamination every five years following an initial test conducted between January 1, 2020 and

CHILD CARE AND DEVELOPMENT (continued)

January 1, 2023. The center shall notify the parents/guardians of enrolled children of the requirement to test a facility's drinking water and of the test results. If notified of elevated lead levels, the center shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. (Health and Safety Code 1597.16)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

All persons employed at a licensed district child care center and all volunteers who provide care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If they meet all other requirements for employment or volunteering, as applicable, but need additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code 1596.7995)

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. 1240 - Volunteer Assistance)

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

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

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

CHILD CARE AND DEVELOPMENT (continued)

In addition to the above immunization requirements, teachers employed in a licensed child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code 1597.055. (Health and Safety Code 1597.055)

Eligibility and Enrollment

Note: ~~CDE contracts provide~~ State funding ~~only is only available~~ for services to families who meet the criteria for subsidized services as specified in Education Code 8263. The district may also provide services to nonsubsidized families provided the district uses other funding sources or the families pay the full cost of services; see section on "Fees and Charges" below.

Pursuant to 5 CCR 18105, districts contracting with CDE to offer child care services are **mandated** to develop written admissions policies and procedures that conform to requirements of 22 CCR 101218, including criteria designating those children whose needs can be met by the child care center's program and services and the ages of children who will be accepted.

The following section should be revised to reflect the district's contract(s) ~~with CDE~~.

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Education Code 8208. (Education Code 8208, 8263.4; 5 CCR 18089, 18407, 18422)

Note: Pursuant to 5 CCR 18082-18083, the parent/guardian must submit an application for services which contains specified information and documentation. ~~The application form is available on CDE's web site.~~ The family's or child's eligibility must be certified by a person designated by the district.

Pursuant to Education Code 8263.1, ~~as amended by AB 2626 (Ch. 945, Statutes of 2018),~~ income eligibility is based on an adjusted monthly family income at or below 85 percent of the state median income, adjusted for family size, ~~for purposes of establishing ongoing income eligibility after January 1, 2019 or initial eligibility after July 1, 2019.~~

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code 8263, **8263.1**)

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited.
2. The family has a need for child care based on either of the following:
 - a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in

CHILD CARE AND DEVELOPMENT (continued)

vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

- b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

Note: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the centralized eligibility list established in each county pursuant to Education Code 8499.5, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to Education Code 8263 and 5 CCR 18106.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8263)

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code 8263.1. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code 8263, 8263.1)

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Education Code 8263.4)

Note: The following **optional** paragraph may be revised to reflect additional enrollment priorities or criteria established by the district, such as priority for district students, children of district students, or children of district employees; see the accompanying Board policy.

CHILD CARE AND DEVELOPMENT (continued)

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board.

Note: 5 CCR 18094 and 18118 require the district to provide written notification to the parent/guardian as to whether the application for subsidized services has been approved or denied. For this purpose, the district should use the state's Notice of Action form available on CDE's web site. If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 18120-18122; see section "Rights of Parents/Guardians" below.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18118)

(cf. 5145.6 – Parental Notifications)

Note: Pursuant to Education Code 8263, as amended by AB 2626, effective July 1, 2019, a family that establishes initial or ongoing eligibility for services, regardless of the basis of eligibility, is entitled to receive those services for at least 12 months before being recertified for eligibility, except when an increase in income results in the family income exceeding the threshold for ongoing eligibility.

Upon establishing eligibility for services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility or need recertified and shall not be required to report changes to income or other changes for at least 12 months. However, a family establishing eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing income eligibility specified in Education Code 8263.1, and the family's ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Education Code 8263)

Note: 5 CCR 18095 and 18119 require the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on CDE's web site. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122; see section "Rights of Parents/Guardians" below.

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination made during recertification or the update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

CHILD CARE AND DEVELOPMENT (continued)

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR 18081, 18095)

Fees and Charges

Note: Education Code 8273 requires the Superintendent of Public Instruction (SPI) state to establish a fee schedule for families using child care services through a CDE contract, including families who are eligible for subsidized child care services based on the criteria specified in item #1 in the section "Eligibility and Enrollment" above. See CDE Management Bulletin 14-03a.

Pursuant to 5 CCR 18109 and CDE's Frequently Asked Questions to Management Bulletin 14-03a, the district may charge a full-time, part-time, or "cost of care" fee calculated pursuant to 5 CCR 18109, whichever is less, depending on the number of hours that a child will receive services.

Education Code 8250 and 5 CCR 18110 prohibit districts from assessing fees for children enrolled in a program for severely disabled children or a federally based migrant program. Districts may revise the following paragraph to reflect any such program(s) offered by the district. Districts that offer only programs prohibited from charging fees may delete the following section.

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the state fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code 8250, 8263, 8273, 8273.1, 8447; 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code 8273.1; 5 CCR 18110)

CHILD CARE AND DEVELOPMENT (continued)

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. (Education Code 8273.1)

Note: Pursuant to Education Code 8273 ~~and CDE Management Bulletin 14-03a~~, family fees must be assessed at initial enrollment and reassessed at recertification or when the family data file is updated due to a change in status.

Pursuant to 5 CCR 18114, districts contracting ~~with CDE~~ to offer child care services are **mandated** to adopt a policy for the collection of fees in advance of providing services, as provided below. 5 CCR 18114 contains an alternative definition of delinquency for alternative payment programs offered pursuant to Education Code 8220-8224.

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code 8273; 5 CCR 18082, 18114, 18115)

Note: The following paragraph is for use by districts that contract ~~with CDE~~ to offer child care services and wish to require parents/guardians to provide diapers and/or to pay the costs of field trips (unless the program is exempt from fees), and may be modified to delete diapers as appropriate for the age of the children served. Education Code 8273.3 **mandates** that such districts have a written policy which includes parents/guardians in the decision-making process. Pursuant to Education Code 8273.3, the fees cannot exceed \$25 per child in the contract year.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

Note: Education Code 8263.3 specifies the order by which families must be disenrolled from child care and development services when funding levels are reduced. Parents/guardians may appeal such actions pursuant to 5 CCR 18120-18122, but only on the grounds that the factors used to determine the family's disenrollment are incorrect. See section "Rights of Parents/Guardians" below.

CHILD CARE AND DEVELOPMENT (continued)

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code 8263.3)

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination and Information Immunizations

Note: Education Code 8263 provides that the **requires children enrolling in a child care center to obtain a physical examination and evaluation, including immunizations, required of children enrolling in a child care center may be waived if unless a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, with respect to immunization requirements, Health and Safety Code 120335 eliminated the personal beliefs exemption for immunization requirements unless the parent/guardian files filed a letter or affidavit prior to January 1, 2016 or a licensed physician indicates that a student should be exempted for medical reasons. An exemption granted for personal beliefs is only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12). See BP/AR 5141.31 - Immunizations.**

A physical examination and evaluation, including age appropriate immunizations, shall be required pPrior to or within six weeks of enrollment, a child enrolling in a child care center shall obtain a physical examination and evaluation and receive age-appropriate immunizations. (Education Code 8263)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Note: Education Code 8263 provides that the **physical examination and evaluation, including immunizations, required of children enrolling in a child care center may be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. However, Health and Safety Code 120335 eliminated the personal beliefs exemption for immunization requirements unless the parent/guardian files a letter or affidavit prior to January 1, 2016 or a licensed physician indicates that a student should be exempted for medical reasons. An exemption granted for personal beliefs is only effective until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12). See BP/AR 5141.31 - Immunizations.**

CHILD CARE AND DEVELOPMENT (continued)

The requirement for a physical examination and evaluation shall be waived if a parent/guardian submits a letter stating that such examination is contrary to the parent/guardian's religious beliefs. (Education Code 8263)

However, a child may be exempted from the immunization requirements only if: (Education Code 8263; Health and Safety Code 120335)

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.

Note: Pursuant to Health and Safety Code 120372, a child care center may only accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide medical exemption certification form developed by the California Department of Public Health and transmitted using the California Immunization Registry. However, Health and Safety Code 120370 requires that a child who has a medical exemption issued prior to January 1, 2020 be allowed to continue enrollment until the next grade span.

A medical exemption shall be submitted using the standardized medical exemption certification form developed by California Department of Public Health and transmitted using the California Immunization Registry. The request shall include, but not be limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. (Health and Safety Code 120372)

2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to the parent/guardian's personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

Note: Health and Safety Code 1596.7996, as added by AB 2370 (Ch. 676, Statutes of 2018), requires licensed child care programs to provide parents/guardians of enrolled children with a flyer developed by CDSS in conjunction with the California Department of Public Health, which contains specified information regarding lead exposure and blood testing. The flyer is available on the CDSS web site.

CHILD CARE AND DEVELOPMENT (continued)

Pursuant to Health and Safety Code 1597.16, as added by AB 2370, a licensed child care center located in a building constructed before January 1, 2010 will be required to have its drinking water tested for lead contamination levels between January 1, 2020 and January 1, 2023, and every five years after the date of the initial test. At that time the child care center must notify parents/guardians of enrolled children of the requirement to test the drinking water and of the test results.

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

Note: Pursuant to 5 CCR 18066, districts contracting with CDE to offer child care services are **mandated** to adopt policies delineating circumstances constituting an excused absence for a family emergency. The following paragraph may be revised to reflect district practice.

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

Note: 5 CCR 18066 **mandates** a policy that delineates circumstances constituting an excused absence "in the best interest of the child." The following paragraph may be revised to reflect district practice.

CHILD CARE AND DEVELOPMENT (continued)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Note: 5 CCR 18066 mandates that providers adopt a policy governing unexcused absences which may include reasonable limitations, if any. The following paragraph may be revised to reflect district practice.

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the child's parent/guardian. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR 18066)

Rights of Parents/Guardians

Note: The following two paragraphs are for use by districts that operate one or more licensed child care centers, but may be used by license-exempt providers.

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code 1596.857; 22 CCR 101218.1)

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code 1596.857)

Note: The remainder of this section is for use by all districts and applies to licensed and unlicensed child care programs.

CHILD CARE AND DEVELOPMENT (continued)

In addition, if a parent/guardian disagrees with any district action to deny a child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Records

Note: **CDE State** contracts require the district to submit data on both subsidized and nonsubsidized families served by child care centers. In addition, the district is required to provide monthly reports, **through CDE's online management information system**, regarding any families receiving subsidized services during that month.

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required **by CDE under the state contract**.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(10/16 3/19) 6/21

CSBA Sample Board Policy

Instruction

BP 6142.5(a)

ENVIRONMENTAL EDUCATION

Note: The following optional policy may be revised to reflect district practice. Pursuant to Public Resources Code 71300-71304, the Office of Education and the Environment within the Department of Resources Recycling and Recovery (CalRecycle) has developed "environmental principles and concepts," which have been adopted by the State Board of Education. For further information, see the web site of the California Education and the Environment Initiative.

Pursuant to Public Resources Code 71300-71304, the California Office of Education and the Environment, within the state Integrated Waste Management Board, has developed a model curriculum based on environmental education principles which will be incorporated into the state's criteria for textbook adoption and, pursuant to Education Code 33541, into the science curriculum framework adopted by the State Board of Education.

The following optional policy is consistent with the state's education principles for the environment and may be revised to reflect district practice.

The Governing Board recognizes that schools play a crucial role in educating students about the importance of the environment and in preparing them to be stewards of natural resources. The Board believes that students should value the environment, respect all life forms, understand the basic ecological principles which support the planet, and live an ecologically responsible life-style. relationship between humans and the natural world and in preparing them to have the skills, knowledge, and principles needed to solve environmental problems. The Board believes that all students should understand ecological systems and the impact of human action on such systems, including, but not limited to, climate change. The district's environmental education program shall promote environmental literacy and shall prepare students to be stewards of natural resources and live an environmentally sustainable lifestyle.

(cf. 6000 - Concepts and Roles)

(cf. 6142.3 - Civic Education)

The district's local control and accountability plan may include local goals and priorities for environmental literacy.

(cf. 0460 - Local Control and Accountability Plan)

Note: Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction on the relations of persons to their human and natural environment, the wise use of natural resources, and science instruction on the place of humans in the ecological systems. In grades 7-12, Education Code 51220 requires study of the relations of persons to their human and natural environment and science instruction that emphasizes the place of humans in ecological systems. See AR 6143 - Courses of Study.

Pursuant to Education Code 51227.3, the environmental principles and concepts must be integrated into the state content standards, curriculum frameworks, and textbook criteria in the subjects of

ENVIRONMENTAL EDUCATION (continued)

English language arts, science, history-social science, health, and, to the extent practicable, mathematics. To date, the environmental principles and concepts have only been integrated into the science and history-social science curriculum frameworks.

The following optional paragraph reflects the content of the state-adopted environmental principles and concepts.

The Superintendent or designee shall develop an environmental education program that is aligned with state academic standards and curriculum frameworks. The Superintendent or designee shall determine how the district's environmental education program will be integrated into the district's science curriculum and other subjects and courses in which the concepts may be explicitly and systematically taught.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.93 - Science Instruction)

(cf. 6143 - Courses of Study)

The goal of the district's environmental education program shall be to provide students with an understanding of **The district's environmental education program may be taught across the district curriculum in science, history-social science, English language arts, health, and, to the extent practicable, mathematics. Such instruction shall be aligned with state-adopted standards and curriculum frameworks and may include, but not be limited to,** the interactions and interdependence of human societies and natural systems, people's dependence and influence on natural systems, the ways that natural systems change and how people can benefit and influence that change, the fact that there are no boundaries to prevent matter from flowing between systems, and the fact that decisions affecting resources and natural systems are complex and involve many factors.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.93 - Science Instruction)

(cf. 6143 - Courses of Study)

Note: Pursuant to Public Resources Code **71300-71304** ~~71300 and 71304~~, **the California CalRecycle's Office of Education and the Environment** has developed environmental education resources, including a model **curriculum programs** and successful strategies, to help districts coordinate best practices for environment-based education and environmental science and technology. Further information can be found on the **California Integrated Waste Management Board's web site.** **California Education and the Environment Initiative's web site.**

The Superintendent or designee shall ensure that students have access to high quality instructional materials and opportunities for hands on, real world learning experiences in environmental education both inside and outside the classroom. The district's program shall **may also provide for emphasize** a coordination of instructional resources with active student

ENVIRONMENTAL EDUCATION (continued)

participation in onsite resource conservation and management programs and the promotion of service learning partnerships. **The Superintendent or designee may collaborate with other local educational agencies and/or community-based organizations to enhance the curriculum and learning experiences provided to students.**

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

(cf. 3511 - Energy and Water Management)

(cf. 3511.1 - Integrated Waste Management)

(cf. 3514 - Environmental Safety)

(cf. 5030 - Student Wellness)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall ensure that environment-based learning experiences are made available on an equitable basis and that the environmental literacy curriculum reflects the linguistic, ethnic, and socioeconomic diversity of California.

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

(cf. 0415 - Equity)

As appropriate, the Superintendent or designee shall provide professional development for teachers in the development and effective implementation of curriculum and activities inside and outside of the classroom that promote environmental literacy.

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

(cf. 3511 - Energy and Water Management)

(cf. 3511.1 - Integrated Waste Management)

(cf. 3514 - Environmental Safety)

(cf. 5030 - Student Wellness)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6153 - School-Sponsored Trips)

Legal References: (see next page)

ENVIRONMENTAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE

- 8700-8707 Environmental education
 - 8720-8723 Conservation education service
 - 8760-8773 Outdoor science, conservation, and forestry
 - 33541 Science requirements
 - 37222 John Muir; recognition of his contributions
 - 51210 Areas of study, grades 1-6
 - 51220 Areas of study, grades 7-12
 - 51227.3 Environmental principles and concepts**
 - 51795-51797 School instructional gardens
 - 60041 Ecological systems and their protection
- #### PUBLIC RESOURCES CODE
- 71300-71305 Statewide environmental education

Management Resources:

WEB SITES

- California Environmental Protection Agency, Education and the Environment Initiative:
<http://www.calepa.ca.gov/Education/EEI>
- California Department of Education, Environmental Education and **Environmental Literacy**:
<http://www.cde.ca.gov/pd/ca/sc/oe/introd.asp>
- California Education and the Environment Initiative: <https://www.californiaeei.org>**
- California Integrated Waste Management Board, School Waste Management Education and Assistance: <http://www.ciwmb.ca.gov/Schools>
- California Regional Environmental Education Community: <http://www.creec.org>
- Green Schoolyards America: <https://www.greenschoolyards.org>**
- Green Schoolyards America, National COVID-19 Outdoor Learning Initiative:**
<https://www.greenschoolyards.org/covid-learn-outside>
- North American Association for Environmental Education:**
<https://naaee.org/our-work/programs/eeworks>

(6/92 7/07) 6/21

CSBA Sample Administrative Regulation

Instruction

AR 6162.51(a)

STATE ACADEMIC ACHIEVEMENT TESTS

Note: The following administrative regulation reflects requirements of the California Assessment of Student Performance and Progress (CAASPP) (Education Code 60600-60649) and should be revised to reflect the grade levels offered by the district.

The Superintendent or designee shall administer the California Assessment of Student Performance and Progress (CAASPP) to all district students at applicable grade levels, except those students exempted by law.

Note: The following paragraph may be revised to reflect programs offered by the district.

5 CCR 851 clarifies responsibility for the testing of charter school students who attend locally funded charter schools. Pursuant to Education Code 47651, a locally funded charter school is one that receives the state aid portion of its local control funding formula allocation through the district that either authorized the charter or was designated by the State Board of Education (SBE) as the oversight agency, rather than directly from the state.

The students of any charter school that receives its state funding allocation through the district shall be tested in coordination with the testing of district students. In addition, the Superintendent or designee shall arrange for the testing of students in any alternative education program or program conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or nonpublic, nonsectarian schools. No test shall be administered in a home or hospital except by a test administrator or test examiner. (5 CCR 851)

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 6158 - Independent Study)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Note: The following paragraph is optional. Pursuant to 5 CCR 853, if the district identifies students who are unable to access the computer-based assessments, as required by 5 CCR 857, the district may use a paper and pencil version of the assessment, if available.

On or before July 1 of each year, the Superintendent or designee shall identify any district school(s) with students who are unable to access the computer-based assessment of a CAASPP test and shall report the number of such students to the test contractor. If available, a paper and pencil version of the assessment may be administered to such students. (5 CCR 853, 857)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Note: 5 CCR 857, as amended by Register 2015, No. 48, establishes a deadline of July 1 of each year for designating a district test coordinator.

On or before July 1 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the California Department of Education (CDE). The Superintendent or designee shall also designate a coordinator for each test site. The duties of the district and site test coordinators shall include those specified in 5 CCR 857-858. (5 CCR 857-858)

Note: 5 CCR 850, as amended by Register 2015, No. 48, defines "test administrator" as an employee trained to administer the CAASPP achievement tests and "test examiner" as a certificated or licensed employee of a local educational agency trained to administer the California Alternate Assessments (CAA) for students with significant cognitive disabilities.

The Superintendent or designee also shall appoint trained test administrator(s) to administer the CAASPP achievement tests and test examiner(s) to administer the California Alternate Assessments. A test examiner shall be a certificated or licensed employee **or contractor** of the district or county office of education. (5 CCR 850)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

Note: Pursuant to 5 CCR 850, as amended by Register 2015, No. 48, a student's sibling is prohibited from serving as his/her translator or scribe during test administration.

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian or sibling shall not be eligible to be that student's translator or scribe. (5 CCR 850)

All test administrators, test examiners, proctors, translators, scribes, district and site test coordinators, and other persons having access to any of the CAASPP achievement tests and corresponding test materials, assessment technology platform, or tests administered pursuant to Education Code 60640 shall acknowledge the limited purpose of their access to the achievement tests by signing a test security affidavit. In addition, all district and site test coordinators shall sign a test security agreement before receiving any CAASPP achievement tests and corresponding test materials. The test security affidavit and test security agreement shall be those set forth in 5 CCR 859. (5 CCR 850, 859)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Tests Included in the State Assessment System

Note: Pursuant to Education Code 60640 and 5 CCR 851.5, ~~as added by Register 2015, No. 48,~~ the CAASPP consists of the required assessments listed in items #1-3 below and optional use of a primary language assessment.

Pursuant to Education Code 60640 and 99300-99301, the CAASPP also includes the Early Assessment Program (EAP) designed to assess the college readiness of students in grade 11 in English language arts and/or mathematics. The EAP is included within the summative assessments listed in item #1 below.

The district shall administer the following CAASPP assessments: (Education Code 60640; 5 CCR 851.5)

1. The ~~CAASPP achievement tests~~ **Smarter Balanced summative assessments** for English language arts and mathematics in grades 3-8 and 11, except that:

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

- a. Recently arrived English learners, defined pursuant to Education Code 60603 as English learners who are in their first 12 months of attending a school in the United States, shall be exempted from taking the English language arts assessment to the extent allowed by federal law. A recently arrived English learner may be administered the test upon request by ~~his/her~~ **the student's** parent/guardian.

(cf. 6174 - Education for English Learners)

- b. Students with disabilities who are unable to participate in the English language arts and mathematics assessments, even with the resources described in the section "Testing Variations" below, shall be provided an alternate test when designated in their individualized education program (IEP), as provided in item #3 below.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

Note: ~~Education Code 60640 provides that the California Standards Tests will be administered in science at grades 5, 8, and 10. When available, the SBE shall adopt an assessment that is aligned with the Next Generation Science Standards, which were adopted by the SBE in September 2013. Pursuant to Education Code 60640, SBE has determined that the California Science Test (CAST), which is aligned with the Next Generation Science Standards, must be administered in grades 5, 8, and once in grades 10-12. According to the CAASPP Online Test Administration Manual, districts can elect to administer the CAST to students in grade 10 or 11. Students in grade 12 who have not yet met the science testing~~

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

requirement will automatically be registered to take the CAST. The California Department of Education (CDE) recommends testing high school students when they are enrolled in their last science course. Item #2 may be revised to reflect district practice.

2. ~~Science assessments~~ **The California Science Test (CAST)** at grades 5, 8, and **once in grades 10-12**

However, students with disabilities who are unable to participate in the ~~science assessments~~ **CAST**, even with the resources described in the "Testing Variations" section below, shall be provided an alternate test when designated in their IEP, as provided in item #3 below.

(cf. 6142.93 - Science Instruction)

Note: Pursuant to 20 USC 1412 and Education Code 60640, students with disabilities must be included in the CAASPP program with accommodations where necessary (see section on "Testing Variations" below), unless they are exempted by their parents/guardians or are eligible to take an alternate assessment.

~~For the English language arts and mathematics assessments, students with significant cognitive disabilities may be administered the CAA. For the science assessment, students with disabilities may take the CAPA or the California Modified Assessment, in accordance with their individualized education program (IEP).~~

3. **The California Alternate Assessments (CAA) in English language arts, mathematics, and science** ~~For students with significant cognitive disabilities who are unable to take the tests specified in items #1-2 above, even with appropriate accommodations or other testing resources, and who have an IEP that designates the use of alternate tests at the applicable grade levels:~~
- a. ~~California Alternate Assessment in English language arts and mathematics for students with significant cognitive disabilities~~
 - b. ~~For the science assessment, either the California Modified Assessment or, for students with significant cognitive disabilities, the California Alternate Performance Assessment~~

Note: The following paragraph is **optional**. In addition to administering the CAASPP achievement tests described in items #1-3 above to English learners, Education Code 60640 authorizes the district to administer a primary language assessment to English learners, ~~in grades 2-11. Education Code 60640 provides that districts may use the Standards-Based Test in Spanish (STS) for this purpose until a test is available that is aligned with the Common Core State Standards in English language arts. The SBE is required to adopt such an assessment to be used no later than the 2016-17 school year. Pursuant to 5 CCR 851.5, as amended by Register 2015, No. 48, the successor primary language assessment will be available for students in grade 3-8 and 11. The California Spanish Assessment (CSA) is available to measure competency in Spanish reading/language arts of students in grades 3-8 and high school.~~

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Pursuant to Education Code 60640, the district will receive a per pupil apportionment from the state for administration of the primary language assessment to English learners.

In addition, the Superintendent or designee may administer ~~a primary language assessment~~ **the California Spanish Assessment (CSA)** to English learners. Administration of this test shall not replace the administration of the above tests, administered in English, to English learners. (Education Code 60640)

Note: The following paragraph is **optional**. Pursuant to Education Code 60640, the district may, at its own expense, administer the ~~STS or successor state assessment~~ **CSA** to students in a dual immersion program who are not limited English proficient or who are redesignated fluent English proficient. If the district chooses to use the primary language assessment for this purpose, it must enter into an agreement with the state testing contractor, subject to the approval of ~~the~~ CDE.

The ~~primary language assessment~~ **CSA** also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient, subject to approval by ~~the California Department of Education (CDE)~~ of an agreement between the district and the state testing contractor. (Education Code 60640)

Note: The following paragraph is optional. Pursuant to Education Code 60642.6, the CAASPP includes optional computer-based interim assessments, available at no cost to districts, that provide teachers and administrators with results that can be used to support teaching and learning and to gauge student progress toward mastery of the skills measured by the summative assessments. The interim assessments were developed for grades 3-8 and high school, but can be administered at any grade level. The timing and frequency of the interim assessments may be determined by the district.

CAASPP also offers formative assessment tools (i.e., assessment tools and processes that are embedded in instruction and used by teachers to receive real-time feedback for purposes of adjusting instruction). **Tools for Teachers**, available on the Smarter Balanced Assessment Consortium web site, is an online collection of resources aligned with the Common Core State Standards.

Throughout the school year, schools may use Smarter Balanced interim assessments and formative assessment tools at any grade level to provide timely feedback regarding students' progress toward mastery of the skills measured by the summative assessments in English language arts and mathematics and to assist teachers in continually adjusting instruction to improve learning. The Superintendent or designee may determine the timing and frequency of the administration of such assessments.

Exemptions

Note: In addition to the exemption of recently arrived English learners from the English language arts assessment (see item #1a in the section "Tests Included in the State Assessment System" above), Education Code 60615 allows students to be exempted from the CAASPP upon written request from their parents/guardians. 5 CCR 852 requires the district to notify parents/guardians regarding this exemption and provides that any exemption will be granted only for the current school year.

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Districts should be aware of the need to maintain a high student participation level on state assessments. Pursuant to 20 USC 6311, ~~as amended by the Every Student Succeeds Act (P.L. 114-95)~~, states must annually measure the achievement of not less than 95 percent of all students **and of each numerically significant subgroup of students**. ~~The state legislature will need to determine how to factor the participation requirement into the state's school accountability system.~~

Each year the Superintendent or designee shall notify parents/guardians of their child's participation in the CAASPP and of the provisions of Education Code 60615 related to exemptions from testing. (5 CCR 852)

(cf. 5145.6 - Parental Notifications)

~~A parent/guardian~~ **Parents/guardians** may annually submit to the school a written request to excuse ~~his/her~~ **their** child from any or all parts of the CAASPP assessments for the school year, and such a request shall be granted by the Superintendent or designee. However, district employees shall not solicit or encourage any exemption request on behalf of any student or group of students. (Education Code 60615; 5 CCR 852)

If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)

Testing Period

Note: Education Code 60640 requires the SBE to establish **a testing windows** that allows all schools to administer the CAASPP tests at approximately the same time during the instructional year and takes into account the need to provide make-up days for students who were absent during testing. ~~5 CCR 855, as amended by Register 2015, No. 48, establishes the testing windows specified below beginning in the 2015-16 school year.~~ Within these testing windows, the district may establish its own testing dates.

The following section should be revised to reflect grade levels offered by the district. In addition, districts that do not maintain any schools on a year-round schedule may revise the following section to delete references to schedules based on tracks.

The Superintendent or designee shall establish testing days for district students within the following available testing windows: (5 CCR 855)

1. **Unless otherwise specified in state regulations, a** Assessments **in English language arts and mathematics** shall be administered between the date on which at least 66 percent of the school's or track's annual instructional days ~~for grades 3-8, or at least 80 percent of the annual instructional days for grade 11,~~ have been completed, **but no earlier than the second Tuesday in January**, and the last day of instruction for the regular annual calendar of the school or track, **but no later than July 15 or, if July 15 is not a weekday, then the next weekday following July 15**

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

2. All science assessments, including CAPA and CMA, shall be administered during an available testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's or track's annual instructional days. **The CAA for science shall be administered annually beginning on a date in September as determined by CDE through the last day of instruction for the regular annual calendar of the school or track, but no later than July 15 or, if July 15 is not a weekday, then the next weekday following July 15.**

Note: Item #3 below reflects the available testing window for the CAA effective beginning in the 2016-17 school year, pursuant to 5 CCR 855, as amended by Register 2015, No. 48.

3. **Beginning in the 2016-17 school year, the CAA shall be administered during the available testing windows specified in item #1.**

Note: **Optional** item 4-3 below is for use by districts that have chosen to administer the **primary language assessment CSA** to English learners as authorized by Education Code 60640; see section "Tests Included in the State Assessment System" above.

- 4.3. The **primary language assessment CSA** shall be administered to English learners within the testing window specified in item #2-1.

Note: Within the available testing windows specified above, the district may designate specific testing dates that will be used within the district. 5 CCR 855, as amended by Register 2015, No. 48, allows the district to designate one selected testing period for each school or track subject to the conditions specified below. If the district does not designate a selected testing period for a school or track, then the available testing windows specified in items #1-2 below above shall be the selected testing period for that school or track.

Within the above testing windows, the Superintendent or designee may designate one testing period for each school or track or, if a school has multiple tracks, a selected testing period for each track. The district shall not exceed six selected testing periods within the available testing window. The testing period shall be no fewer than 25 consecutive instructional days and may be extended up to an additional 10 consecutive instructional days if still within the available testing window set forth in items #1-4-2 above. (5 CCR 855)

Students who are absent during testing shall be provided an opportunity to take the tests within the testing window.

Testing Variations

Note: The following section describes allowable testing resources that may be used during test administration pursuant to 5 CCR 853.5-853.8, 854.1-854.4 as amended by Register 2015, No. 48. For further information, see the CDE's matrix of allowable testing variations, available on its web site.

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

All CAASPP achievement tests and the primary language test shall be administered in accordance with the manuals or other instructions provided by the test contractor or CDE except that, as appropriate, the following testing variations may be used: (5 CCR 850, 853-853.8-854.4)

1. Universal tools specified in 5 CCR 853.5-854.1-854.4 may be used with any student.
2. Designated supports specified in 5 CCR 853.5 and, if an English learner, in 5 CCR 853.7, 854.1-854.4 may be used with a student for whom the need has been indicated by an educator or team of educators, with parent/guardian and student input as appropriate, or for whom the need is specified in the student's IEP or Section 504 plan.
3. Accommodations specified in 5 CCR 853.5-854.1-854.4 may be used with a student with disabilities when included in the student's IEP or Section 504 plan as resources that are regularly used in the classroom for the student's instruction and/or assessment(s). Such accommodations shall be either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment.

Note: 5 CCR 853.8, as added by Register 2015, No. 48, 854.9 authorizes the use of "unlisted resources" (i.e., resources that have not been identified as a universal tool, designated support, or accommodation) with students with disabilities, provided that the resource is designated in the student's IEP or Section 504 plan and the CDE has approved the use of the resource. Pursuant to 5 CCR 853.8-854.9, the district must electronically submit a request to the CDE at least 10 business days prior to the first day of CAASPP testing, and the district will receive a response from the CDE within four business days of submitting the request. The CDE will not approve the use of an unlisted resource that threatens the security of the test or changes the construct being measured, including, but not limited to, those resources specified in 5 CCR 853.8-854.9. The district may nevertheless use a disapproved unlisted resource that changes the construct being measured, but the student will not be counted in the participation rate for state and federal accountability measures.

4. An unlisted resource that has not been specifically identified as an approved universal tool, designated support, or accommodation may be used with a student who has an IEP or Section 504 plan provided that the resource is one that is regularly used in the classroom for instruction and/or assessment and the CDE has approved its use. At least 10 business days prior to the student's first day of CAASPP testing, the district or school site test coordinator may electronically submit a request to the CDE for approval to use that unlisted resource during that year. If the CDE determines that the unlisted resource changes the construct being measured, the unlisted resource may nevertheless be used with the student in order to generate an individual score report even though the student shall not be counted in the participation rate for accountability measures. (5 CCR 853.8-854.9)

STATE ACADEMIC ACHIEVEMENT TESTS (continued)

Note: 5 CCR 853.8, as amended by Register 2015, No. 48, authorizes the use of "instructional supports" (i.e., all supports that may be used in daily instruction or assessment, including language and physical supports) during administration of the CAA, as described in the following paragraph.

In the administration of the CAA to a student with significant cognitive disabilities, the student may have all instructional supports that may be used in daily instruction or assessment, including language and physical supports, with the exception of any inappropriate test practices listed in test administration manuals. (5 CCR 850, ~~853.6~~ **854.5**)

Report of Test Results

Note: Education Code 60641 requires that valid test results for individual students, when available, be reported to the student's parents/guardians, school, and teacher(s). Pursuant to Education Code 60641, it is the Legislature's intent that districts are not precluded from using electronic media formats to provide this report, provided that the format secures the confidentiality of the student and the student's results. In addition, district personnel are not required to prepare individualized explanations of each student's test scores as part of the report described in the following paragraph.

For any state assessments that produce valid individual student results, the Superintendent or designee shall forward or transmit the student's test results to **his/her the student's** parents/guardians within 20 working days from receipt of the results from the test contractor or, if the district receives the results from the contractor after the last day of instruction for the school year, then within the first 20 working days of the next school year. The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to **his/her the** school and teacher(s) and shall be included in **his/her the** student record. (Education Code 60641; 5 CCR 863)

(*cf.* 5125 - Student Records)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

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Board Policy

Facilities

BP 7211(a)

DEVELOPER FEES

Note: Developer fees are one method of financing facilities available to the district. As amended by SB 50 (Ch. 407, Statutes of 1998), Government Code 65995 prohibit cities and counties from requiring development fees in excess of the maximum amounts set forth in Education Code 17620 to help fund school facilities. Government Code 65995 and, as amended by AB 127 (Ch. 35, Statutes of 2006), Government Code 65997 essentially repeal, until 2012, the Mira/Hart/Murrietta line of case law which had granted cities or counties the authority to deny development projects based on a determination as to whether school facilities were adequate to meet the demands created by the development. Districts with current Mira agreements should consult legal counsel in order to determine whether that agreement can be "grandfathered," and therefore exempted from the SB 50 requirements.

See AR 7211 for detailed findings that must be made by the Governing Board prior to the levying of any developer fees. The following policy and regulation are optional.

The following policy is optional. Education Code 17620-17621 and Government Code 65995-65995.7 provide authority for three levels of developer fees that may be levied by school districts on residential, commercial, and industrial construction to mitigate the impact of increased enrollment on school facilities. Before imposing developer fees, the Governing Board must conduct a fee justification study and comply with other requirements.

Due to the failure of state bond measure Proposition 13 in March 2020, Government Code 65997 is operative until a new state bond measure is approved. Pursuant to Government Code 65997, public agencies may, on the basis of the inadequacy of school facilities, deny or refuse to approve a "legislative" act but may not require the payment of a fee in excess of that imposed pursuant to Government Code 65995-65995.7. Courts have distinguished between legislative acts (e.g., zoning ordinances) and adjudicative acts (e.g., subdivision approvals, variances, and conditional use permits). Districts with specific questions as to the operation of Government Code 65997 should consult legal counsel.

Level 1 fees, the basic mitigation fee, may be applied to residential, commercial, and industrial construction projects and must be within the limits established by law and the State Allocation Board (SAB). Level 2 fees apply only to residential construction, and the amount of the fee varies across districts as determined through a school facilities needs analysis. Level 3 fees may be double the amount of Level 2 fees, but may only be collected when SAB certifies that state funds for new school facility construction are not available.

Pursuant to Education Code 17620, some types of construction may be exempted from the developer fee. Districts should consult with legal counsel as appropriate.

In order to finance the construction or reconstruction of school facilities needed to accommodate ~~students coming~~ **increased student enrollment resulting** 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~~.

DEVELOPER FEES (continued)**Level 1 Funding Fees: Residential, Commercial and Industrial Construction**

Note: In order to levy or increase developer fees, Government Code 66001 requires that a district develop a Fee Justification Study which justifies the amount of the fee. The State Allocation Board sets the developer fee rates; these rates will be increased. For Level 1 fees, Government Code 65995 establishes a maximum amount of fee, which is adjusted for inflation by SAB every two years. In order to levy developer fees, Government Code 66001 requires that the Board conduct a fee justification study which demonstrates a reasonable relationship between residential, commercial, and industrial development in the district and the need for additional school facilities. It is important to note that, in order to increase their rates, Pursuant to Government Code 66001 and 66016, before increasing any fee, requires districts to must update their fee justification study and to satisfy the notice and hearing requirements, as specified below. Education Code 17622 requires separate, special findings when levying fees on spaces enclosed for agricultural purposes.

Courts have held that boards must be able to show that a valid method was used in the fee justification study. In Summerhill Winchester LLC v. Campbell Union School District, the Court of Appeal concluded that a fee justification study must include the following three factors: (1) a projection of the total amount of new housing expected to be built within the district; (2) an estimate of how many students will be generated by the new development; and (3) an estimate of what it will cost to provide the necessary school facilities for the new students. Districts with questions about the adequacy of a fee justification study or how to analyze the reasonableness of a fee in relation to the type of development at issue should consult legal counsel.

Before taking action to establish, increase, or impose Level 1 developer fees, the Governing Board shall conduct a fee justification study which: (Government Code 66001)

1. Identifies the purpose of the fee and the use to which the fee will be put
2. Determines a reasonable relationship between the fee's use and the type of development project for which the fee is imposed
3. Determines a reasonable relationship between the need for the public facility and the type of development project for which the fee is imposed
4. Determines a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributed to the development for which the fee is imposed

Before levying developer fees or prior to increasing an existing fee, the Board shall schedule hold a public hearing. The Superintendent or designee shall mail notice of the time and place of the meeting at which a public hearing shall occur, 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

DEVELOPER FEES (continued)

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, **the use to which the fee is to be put**, and the public improvement(s) that the fee will be used to finance (Government Code **66001, 66006**)
2. The Board's findings of reasonable relationship which justify the fees pursuant to Government Code 66001
3. **If the district requires payment of the fee at a time earlier than the date of final inspection or the issuance of a certificate of occupancy, ~~The~~ 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
 - 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

In the case of any commercial or industrial development, the Board shall make findings on either an individual project basis or on the basis of categories of commercial or industrial development. Those categories may include, but are not limited to, the following uses: office, retail, transportation, communications and utilities, light industrial, heavy industrial, research and development, and warehouse. The Board shall also conduct a study to determine the impact of the increased number of employees anticipated to result from the commercial or industrial development upon the cost of providing school facilities within the district. (Education Code 17621)

DEVELOPER FEES (continued)**Level 2 Funding Fees: Residential Construction**

Note: Government Code 65995.5 allows the Board to impose a fee on residential construction that is higher than the Level 1 fee limit set forth in Government Code 65995 if the district ~~makes is considered eligible pursuant to Education Code 17071.10-17078.10 and a timely application to SAB for new construction funding under the State Facilities Program for which is made to the State Allocation Board it is determined to be eligible by SAB pursuant to Education Code 17071.10-17071.76.~~ In addition, Government Code 65995.5 requires the district to adopt a "~~Facility Needs Analysis~~" **facility needs analysis** and to satisfy the cost-saving/revenue-enhancing measures described in that section. The **facility needs analysis** ~~Needs Analysis~~ required by Government Code 65995.6 serves a similar purpose as the ~~Fee Justification Study~~ **fee justification study** detailed above, but specifies different legal requirements, as well as a different approval and adoption process. Government Code 65995.5 clarifies that developer fees may be expended on the costs of performing the needs analysis as well as on the administrative costs associated with collecting the fees.

In order to impose **Level 2** residential construction fees within the limits of Government Code 65995.5, the Board shall, **in addition to fulfilling the requirements above for Level 1 fees, undertake the following:** (Government Code 65995.5)

1. **Make a timely application to the State Allocation Board (SAB) for new construction funding for which it is eligible and be determined to be eligible by SAB**
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)**

Note: Government Code 65352.2, ~~as added by AB 1367 (Ch. 396, Statutes of 2001),~~ requires the district to provide the notification specified below to the appropriate city or county planning agency. If the parties decide to meet, Government Code 65352.2 specifies issues that may be considered at the meeting.

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)

DEVELOPER FEES (continued)

This analysis ~~may~~ **shall** 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)

~~No~~ **Not** 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)

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)

Note: Government Code 65995.6 provides that if the school facility needs analysis is revised during the period of public review or at the public hearing, the approval process must recommence (e.g., another 30-day review period, published notice, etc.).

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)

Note: Pursuant to Government Code 65995.6, the fees take effect immediately upon adoption and are effective for only one year. After one year, the district must repeat the adoption process.

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 Fees: Residential Construction

Note: Government Code 65995.7 ~~has~~ authorized a district that is eligible to receive the Level 2 funding the authority to levy a still higher fee on residential construction (Level 3 funding) upon a determination by SAB that state funds are no longer available.

DEVELOPER FEES (continued)

When Level 3 fees are authorized by law and the district qualifies for Level 2 **funding fees** pursuant to Government Code 65995.5, the Board may assess a fee on residential construction pursuant to ~~the requirements of~~ Government Code 65995.7.

~~Pursuant to Government Code 65995.7, the~~**The notice and hearing requirements, resolution requirement, and term of effectiveness for Level 3 **funding fees** shall be the same as the requirements for Level 2 **funding fees** as specified above. (Government Code 65995.7)**

Appeals Process for Protests by Developers

Note: ~~In addition to authorizing developer protests in accordance with Government Code 66020 and 66021, Education Code 17621 requires the Board to provide an appeals process for commercial/industrial fees when the district has analyzed the impact of these projects on a categorical rather than individual basis.~~

~~The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)~~

Use of Fees

Note: Pursuant to Government Code 66006, the district may establish a reasonable annual charge, based on estimated cost, for sending the following notice.

The Board shall review ~~the above~~ information **provided by the Superintendent or designee pursuant to Government Code 66006 regarding each account or fund into which developer fees have been deposited**, at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to Government Code 66006. (Government Code 66006)

Note: Pursuant to Government Code 66001, if the following findings are not made every five years as required, the district may be required to refund the moneys in the account or fund pursuant to Government Code 66006(e).

In addition to discharging its public disclosure duties regarding the levying of developer fees, the Board shall, for the fifth fiscal year after the first deposit into the account or fund and every five years thereafter, make all of the following findings with respect to the portion of the account or fund that remains unexpended, whether committed or uncommitted: (Government Code 66001)

1. Identify the purpose to which the fee is to be put
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

DEVELOPER FEES (continued)

3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements originally identified
4. Designate the approximate dates on which the funding referred to in item #3 is expected to be deposited into the appropriate account or fund

*Legal Reference:*EDUCATION CODE17070.10-~~17077.10~~ **17079.30** Leroy F. Greene School Facilities Act of 1998

17582 District deferred maintenance fund

17620-17626 Levies against development projects by school districts

101122 Schedule for allocation of proceeds from sale of bondsGOVERNMENT CODE

6061 One time notice

6066 Two weeks' notice

65352.2 Level 2 funding notification requirement

65864-65869.5 Development agreements

65995-65998 Payment of fees against a development project

66000-66008 Fees for development projects

66016-~~66018.5~~ **66019 Development project fees Procedures for adopting various fees**

66020-66025 Protests, legal actions, and audits

CODE OF REGULATIONS, TITLE 21859-1859. ~~106-108~~ School facility programCOURT DECISIONS***Tanimura & Antle Fresh Foods, Inc. v. Salinas Union High School District* (2019) 34 Cal. App. 5th 775*****Summerhill Winchester LLC v. Campbell Union School District* (2018) 30 Cal. App. 5th 545*****Cresta Bella, LP v. Poway Unified School District* (2013) 218 Cal.App.4th 438*****Warmington Old Town Associates* (2002) 101 Cal.App.4th 840***Dolan v. City of Tigard* (1994) 114 S.Ct. 2309***Garrick Development Company v. Hayward Unified School District* (1992) 3 Cal.App.4th 320***Management Resources:*WEB SITESDepartment of General Services, Office of Public School Construction: <http://www.opse.dgs.ca.gov><https://www.dgs.ca.gov/OPSC>

CSBA Sample Administrative Regulation

Facilities

AR 7211(a)

DEVELOPER FEES

Note: Government Code 65995 provides authority for three different levels of developer fees to be levied by school districts. Pursuant to Education Code 17620 and Government Code 65995, Level 1 fees for residential, commercial and industrial construction may be assessed as long as the district's Developer Fee Justification Study, as required by Government Code 66001, justifies the amount. Pursuant to Education Code 17620, some types of construction may be exempted. Districts should consult with legal counsel as appropriate.

Level 1 Funding Fees: Residential, Commercial and Industrial Construction

Note: In order to levy or increase developer fees, Government Code 66001 requires that a district develop a Fee Justification Study which justifies the amount of the fee. The State Allocation Board sets the developer fee rates; these rates will be increased every two years. It is important to note that, in order to increase their rates, Government Code 66001 and 66016 requires districts to update their Fee Justification Study and to satisfy the notice and hearing requirements, as specified below. Education Code 17622 requires separate, special findings when levying fees on spaces enclosed for agricultural purposes.

Before taking action to establish, increase or impose developer fees, the Governing Board shall conduct a fee justification study which: (Government Code 66001)

1. Identifies the purpose of the fee and the use to which the fee will be put
2. Determines a reasonable relationship between the fee's use and the type of development project for which the fee is imposed
3. Determines a reasonable relationship between the need for the public facility and the type of development project for which the fee is imposed
4. Determines a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributed to the development for which the fee is imposed

Level 1 Funding Fees: 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

DEVELOPER FEES (continued)

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: (Government Code 66007)

Note: In order to collect fees earlier than the date of final inspection or the issuance of a certificate of occupancy, the district must determine either item #a or #b below:

- a. That the fees are to reimburse the district for previous expenditures
- 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 Fees: Residential Construction

Note: Government Code 65995.5 allows the Board to impose a fee on residential construction that is higher than the Level 1 fee limit set forth in Government Code 65995 if the district is considered eligible pursuant to Education Code 17071.10-17078.10 and a timely application is made to the State Allocation Board. In addition, Government Code 65995.5 requires the district to adopt a "Facility Needs Analysis" and to satisfy the cost-saving/revenue-enhancing measures described in that section. Government Code 65995.5 clarifies that developer fees may be expended on the costs of performing the needs analysis as well as on the administrative costs associated with collecting the fees.

In order to impose residential construction fees within the limits of Government Code 65995.5, the Board shall: (Government Code 65995.5)

DEVELOPER FEES (continued)

1. Make a timely application to the State Allocation Board for new construction funding for which it is eligible

Note: The Needs Analysis required by Government Code 65995.6 serves a similar purpose as the Fee Justification Study detailed above, but specifies different legal requirements, as well as a different approval and adoption process.

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 Fees: Notice and Hearing Requirements

Note: Government Code 65352.2, as added by AB 1367 (Ch. 396, Statutes of 2001), requires the district to provide the notification specified below to the appropriate city or county planning agency. If the parties decide to meet, Government Code 65352.2 specifies issues that may be considered at the meeting.

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)

Note: Government Code 65995.6 provides that if the school facility needs analysis is revised during the period of public review or at the public hearing, the approval process must recommence (e.g., another 30-day review period, published notice, etc.).

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)

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)

Note: Pursuant to Government Code 65995.6, the fees take effect immediately upon adoption and are effective for only one year. After one year, the district must repeat the adoption process.

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 Fees: Residential Construction

Note: Government Code 65995.7 has authorized a district that is eligible to receive the Level 2 funding the authority to levy a still higher fee on residential construction (Level 3 Funding) upon a determination by the State Allocation Board that state funds are no longer available. However, with the passage of the 2002 School Facilities Bond (Proposition 47) and its implementing legislation, AB 16 (Ch. 33, Statutes of 2002), districts are prohibited from levying Level 3 fees until the 2004 primary election.

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 Fees: 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.

DEVELOPER FEES (continued)**All Developer Funding Fees: Additional Requirements**

The district shall send a copy of any **Governing Board** resolution adopting or increasing **Level 1, 2, or 3** 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)

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)

Note: Item #2 below is **optional** and is intended to ensure that the district will have evidence that the required notification was delivered.

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)

For each separate account so established, the Superintendent or designee shall, within 180 days after the last day of each fiscal year, make available to the public **and the Board** the following information for the fiscal year: (Government Code 66006)

1. A brief description of the type of fee in the account or fund
2. The amount of the fee
3. The beginning and ending balance of the account or fund
4. The amount of the fees collected and the interest earned

DEVELOPER FEES (continued)

5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees
6. An identification of an approximate date by which the construction of the public improvement will commence if the district determines that sufficient funds have been collected to complete financing on an incomplete public improvement
7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan
8. The amount of refunds made pursuant to Government Code 66001(e) and any allocations made pursuant to Government Code 66001(f)

The Board shall review the above information at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to Government Code 66006. (Government Code 66006)

Note: Pursuant to Government Code 66006, the district may establish a reasonable annual charge, based on estimated cost, for sending the above notice.

In addition to discharging its public disclosure duties regarding the levying of developer fees, the Board shall, for the fifth fiscal year after the first deposit into the account or fund and every five years thereafter, make all of the following findings with respect to the portion of the account or fund that remains unexpended, whether committed or uncommitted: (Government Code 66001)

Note: Pursuant to Government Code 66001, if the findings are not made every five years as required, the district may be required to refund the moneys in the account or fund pursuant to Government Code 66006(e).

1. Identify the purpose to which the fee is to be put
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged
3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements originally identified

DEVELOPER FEES (continued)

4. ~~Designate the approximate dates on which the funding referred to in item #3 is expected to be deposited into the appropriate account or fund.~~

When sufficient funds have been collected to complete the financing of public improvements but such improvements remain incomplete, the district shall, within 180 days of the date that a determination of sufficient funding was made, either identify an approximate date by which construction will begin or refund the unexpended revenues in accordance with Government Code 66001. (Government Code 66001)

Appeals Process for Protests by Developers

~~Note: Pursuant to Education Code 17621, a developer may protest the imposition of any developer fees listed above in accordance with the requirements in Government Code 66020.~~

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)

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~~ **which** 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
 - 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

DEVELOPER FEES (continued)

annul the imposition of the fees imposed on the development project within 180 days of delivery of the notice. (Government Code 66020)

(3/00 7/03) 6/21

Policy 5121: Grades/Evaluation Of Student Achievement

Status: DRAFT

| Last Revised Date: 09/10/2009

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's academic performance.

The Superintendent or designee shall establish a uniform grading system that shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how student academic performance will be evaluated in the classroom.

A teacher shall base a student's grades solely on the quality of the student's work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests, projects, and portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

Students in grades K-5 shall receive standards-based report cards.

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

Regulation 5121: Grades/Evaluation Of Student Achievement

Status: DRAFT

| Last Revised Date: 09/08/2016

Grades/Evaluation Of Student Achievement

The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors.

Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report in addition to grading period reports. (Education Code 49067)

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

Grades for Academic Performance

For grades K-5, students' level of progress for each grading period shall be reported as follows:

- 4 Exceeds Mastery of Standard
- 3 Mastery of Standard
- 2 Progress Toward Mastery of Standard
- 1 Minimal Mastery of Standard

For grades 6-12, grades for academic performance shall be reported for each grading period as follows:

| | | | |
|---|---------|---------------------------|------------------|
| A | 90-100% | Outstanding Achievement | 4.0 grade points |
| B | 80-89% | Above Average Achievement | 3.0 grade points |
| C | 70-79% | Average Achievement | 2.0 grade points |
| D | 60-69% | Below Average Achievement | 1.0 grade points |
| F | 0-59% | Little or No Achievement | 0 grade points |
| I | 0% | Incomplete | 0 grade points |

An Incomplete shall be given only when a student's work is not finished by the end of the grading period because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Because of the more rigorous nature of Advanced Placement, courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

| | | | |
|---|---------|---------------------------|------------------|
| A | 90-100% | Outstanding Achievement | 5.0 grade points |
| B | 80-89% | Above Average Achievement | 4.0 grade points |
| C | 70-79% | Average Achievement | 3.0 grade points |

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge,

and physical performance tests. (5 CCR I 0060)

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided that a teacher credentialed to teach physical education supervises this participation and assigns the grade.

Grades for College Courses

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Grades for Citizenship and Work Habits

Any grades assigned for citizenship or work habits, such as effort or study skills, shall be reported as follows:

O Outstanding

S Satisfactory

N Needs Improvement

Pass/Fail Grading

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester units of credit for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a Fail grade shall not receive credit for taking the course.

Peer Grading

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Withdrawal from Classes

A student who drops a course during the first two weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first two weeks of the semester shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade point assigned to each letter grade in accordance with the scale described in the section "Grades for Academic Performance" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed. Pass/Fail grades shall not be included in the determination of a student's GPA.

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

Policy 4119.21: Professional Standards

Status: DRAFT

| Last Revised Date: 03/08/2018

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

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

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

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence. Possession of a firearm or other weapon not allowed on campus or at a school sponsored event
2. Engaging in harassing, discriminatory, harsh, physically threatening, intimidating, shaming, derogatory, demeaning, or humiliating behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communication, or other means, without including the student's parent/guardian or the principal
6. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
7. Using profane, obscene, or abusive language in the presence of students, parents/guardians, staff, or community members
8. Willfully disrupting district or school operations by loud or unreasonable noise or other action
9. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity
10. Providing or allowing minors to use alcohol or illegal drugs
11. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
12. Disclosing personal, family, or other private matters to students or sharing personal secrets with students
13. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information, including, but not limited to, discipline referrals, grades, medical information, special program status
14. Criticizing a student's parent to the student
15. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
16. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

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

17. Causing damage to or engaging in theft of property belonging to students, staff, or the district
18. Wearing inappropriate attire, including, but not limited to, clothing that is free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or Tobacco Company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice. Clothing shall be sufficient to conceal undergarments at all times.

Reports of Misconduct

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

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

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

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

Notifications

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

Exhibit 4119.21 - Professional Standards

PIERCE JOINT UNIFIED SCHOOL DISTRICT

OATH OF 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 3100-3102 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 or by law.

Signature: _____ Date: _____

Certified By (Person who Administers the oath): _____

You may refuse to execute the above oath of allegiance if it conflicts with your religious beliefs. If the above oath of allegiance conflicts with your religious beliefs, please sign the following statement:

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100-3102 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 or by law.

Signature: _____ Date: _____

Certified By (Person who Administers the oath): _____