

**POLICY GUIDE SHEET**  
**First Read – October 18, 2018**  
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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.

**E 0420.41 - Charter School Oversight**

(E revised)

Exhibit updated to reflect **NEW LAWS** affecting requirements for charter schools, including **AB 1360** which clarifies that the charter school's admission preferences must be approved by the district board, **AB 830** which repeals the high school exit examination requirement, **AB 1360** which requires parental notification that parent/guardian involvement is not a requirement for enrollment at the charter school, **AB 699** which requires charter schools to adopt policy consistent with the model policy on immigration enforcement developed by the California Attorney General, **AB 2097** (2016) which prohibits the collection of social security numbers, **AB 841** which prohibits advertising or promotion of non-nutritious foods or beverages, **SB 250** which requires parental notification within 10 days of a negative meal account balance and prohibits different treatment of students with unpaid meal fees, and **SB 138** which requires "very high poverty schools" to apply to provide lunch and/or breakfast free of charge to all students under a federal universal service provision.

**BP/AR 0460 - Local Control and Accountability Plan**

(BP/AR revised)

Policy and regulation updated to delete references to 5 CCR 15497.5 (repealed) which formerly contained the LCAP template. The LCAP template continues to be approved by the State Board of Education and is available on the California Department of Education (CDE) web site. Policy also adds a definition of "numerically significant student subgroups" whose needs must be addressed in the LCAP. Regulation also deletes requirement to use the state's Academic Performance Index (API) as a measure of student achievement, as the API has been replaced by a new state accountability system.

**BP/AR 0520.2 - Title I Program Improvement Schools**

(BP/AR deleted)

Policy and regulation deleted as federal program improvement requirements have been suspended for the 2017-18 school year and will, beginning in the 2018-19 school year, be replaced by a new system of comprehensive and targeted improvement established by the Every Student Succeeds Act.

**BP 0520.3 - Title I Program Improvement Districts**

(BP deleted)

Policy deleted as federal program improvement requirements have been suspended for the 2017-18 school year and will, beginning in the 2018-19 school year, be replaced by a new system of comprehensive and targeted improvement established by the Every Student Succeeds Act.

**BP 1400 - Relations Between Other Governmental Agencies and the Schools**

(BP revised)

Policy revised to delete material regarding the use of school facilities as a polling place, now addressed in BP 1330 - Use of School Facilities. Policy adds material on collaboration with local government agencies, formerly in BP 1020 - Youth Services.

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**BP 2210 - Administrative Discretion Regarding Board Policy**

(BP revised)

Policy updated to add the board's expectation that the superintendent or designee will be nondiscriminatory and demonstrate a commitment to equity whenever he/she is exercising administrative authority to address a situation that is either not covered in written policies or that requires immediate action to avoid risk to student and staff safety, protect district property, or prevent disruption of school operations. Policy clarifies the superintendent's accountability for all areas of operation under his/her authority and provides that the superintendent or designee will notify the board, as appropriate, of his/her actions exercised pursuant to this policy.

**BP/AR 3312.2 - Educational Travel Program Contracts**

(BP revised; AR deleted)

Updated policy clarifies the board's responsibility to approve contracts for educational travel programs and adds contract components, formerly in AR. Regulation deleted and key concepts moved to BP.

**BP/AR 3320 - Claims and Actions Against the District**

(BP/AR revised)

Policy and regulation updated to clarify the applicability of the Government Claims Act to certain claims for money or damages against the district, and to reflect **NEW COURT DECISION** (Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne Court) which upheld the district's right to require that a claim be submitted using district procedures before a lawsuit may be filed. Regulation also updated to expand section on "Time Limitations."

**BP/AR 3514 - Environmental Safety**

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW (AB 746)** which provides that, if a community water system finds lead above specified levels in a school's potable water system, the district must notify parents/guardians, shut down fountains and faucets, and provide a source of drinking water to students. Policy also deletes details regarding district strategies that are duplicated in the AR. Regulation also updates material related to particulate filters in school buses and carbon monoxide detectors to reflect current law.

**BP 3514.1 - Hazardous Substances**

(BP revised)

Policy updated to reflect legal requirements regarding toxic art and craft supplies, formerly in BP 6161.3 - Toxic Art Supplies.

**BP 3515.21 - Unmanned Aircraft Systems (Drones)**

(BP added)

New optional policy addresses strategies for avoiding disruption and maintaining the safety, security, and privacy of individuals when the district grants permission for a person or entity to operate an unmanned aircraft system (drone) on or over district property. Policy reflects federal regulations and Federal Aviation Administration guidance, and provides that the district shall only grant permission if the planned activity supports the district's own instructional, co-curricular, extracurricular, or operational purposes.

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**BP/AR 3516 - Emergencies and Disaster Preparedness Plan**

(BP/AR revised)

Policy expands paragraph on the involvement of staff and community groups in plan development, consistent with U.S. Department of Education recommendation. Policy also adds training on staff responsibilities in an emergency or disaster, clarifies staff's legal obligation to serve as disaster service workers, and clarifies that board members are not considered disaster service workers. Regulation expands prevention strategies to include measures to increase the security of school facilities, expands crisis communications methods to include social media and electronic communications, and adds assembly of key information into a "crisis response box" that can be easily accessed in an emergency.

**AR 3541 - Transportation Routes and Services**

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1453)** which authorizes districts to provide for the transportation of adult volunteers to and from educational activities. Regulation also reflects requirement to provide transportation consistent with a student's Section 504 plan, and clarifies the district's responsibility with respect to transportation for homeless students and foster youth.

**BP 4140/4240/4340 - Bargaining Units**

(BP revised)

Policy updated to reflect **NEW COURT DECISION (Janus v. AFSCME)** which held that public employees cannot be compelled to pay mandatory "fair share service fees" to an employee organization. Policy also reflects **NEW LAW (SB 866, 2018)** which prohibits districts from deterring or discouraging employees or job applicants from becoming or remaining members of an employee organization and prohibits sharing the date, time, and place of new employee orientations with anyone other than employees, the exclusive representative, or a vendor contracted to provide a service for the orientation. Policy deletes material regarding the employee organization's provision of a financial report, which is required by law to be submitted to the Public Employment Relations Board rather than the district board.

**BP/AR 5112.5 - Open/Closed Campus**

(BP revised; AR **deleted**)

Policy revised to clarify options for open campus and add optional language regarding district criteria for student eligibility for open campus privileges. Policy also includes the requirement for written parental notification of the open campus policy, formerly in AR, and clarifies that a student's unauthorized absence from school constitutes an unexcused absence but is not classified as truancy unless it meets the legal definition of truancy based on the number of absences during the school year. Regulation deleted and key concepts moved to BP.

**AR 5125.2 - Withholding Grades, Diploma or Transcripts**

(AR revised)

Regulation updated to clarify the circumstances under which the district may withhold a student's grades, diploma, and/or transcripts until the student's parents/guardians have paid for the damages to or loss of district property willfully caused by the student. Regulation also clarifies the student's due process rights, as well as the requirement to continue to withhold the grades, diploma, and/or transcripts when such a student transfers from one district to another.

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**AR 5141.32 - Health Screening for School Entry**

(AR revised)

Regulation updated to reflect **NEW LAW** (SB 379, 2017) which changes the date by which the district must report oral health assessment data to the county office of education and/or state dental director and requires the certification form developed by the California Department of Education (CDE) to include parental rights related to oral health assessments offered at school sites. Regulation also deletes the requirement to notify parents/guardians of the telephone number for the Healthy Families program, which is no longer operational.

**BP/AR 6020 - Parent Involvement**

(BP/AR revised)

Policy and regulation updated to reflect requirements for parent involvement in schools receiving federal Title I, Part A funding, as amended by the Every Student Succeeds Act, including expanding activities to include engagement of family members. Policy also reflects parent involvement as a state priority that must be addressed in the district's LCAP.

**AR 6112 - School Day**

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 99, 2017) which permits districts to maintain kindergarten or transitional kindergarten classes for different lengths of time during the school day, either at the same or different school sites. Regulation also reflects provision of AB 99 which allows districts to schedule classes in an early college high school or middle college high school so that students attend classes for at least 900 minutes during any five school day period or 1,800 minutes during any 10 school day period.

**BP/AR/E 6162.52 - High School Exit Examination**

(BP/AR/E(1) ~~deleted~~)

Policy, regulation, and exhibits deleted since **NEW LAW** (AB 830) repeals the requirement to pass the high school exit exam as a condition of graduation.

**BP 6170.1 - Transitional Kindergarten**

(BP revised)

Policy updated to reflect **NEW LAW** (AB 99, 2017) which permits districts to maintain transitional kindergarten classes for different lengths of time during the school day, either at the same or different school sites, provided that the length of the school day complies with legal requirements related to the minimum and maximum length of the school day.

**BP/AR 6173.2 - Education of Children of Military Families**

(BP/AR revised)

Policy updated to reflect the Every Student Succeeds Act, which provides that military-connected students will be assigned a national identification number to facilitate monitoring of their academic progress and requires districts to issue an annual report card that includes state achievement results for such students. Policy also adds optional language on collaborating with the military's school liaison officers and providing staff development related to the educational rights of military-connected students. Regulation updated to add material regarding the transfer of course credits, exemption from local graduation requirements when a student transfers after the completion of the second year of high school, and use of the uniform complaint procedures for allegations of noncompliance by the district, pursuant to **NEW LAW** (AB 365, 2017). Regulation also reflects **NEW LAW** (SB 455, 2017) which provides that a student will be deemed to meet district residency requirements if his/her parent/guardian is transferred or is pending transfer to a military installation within the state, and **NEW LAW** (AB 2659, 2016) which provides that districts must not prohibit the transfer of a military-connected student out of the district regardless of whether the district has an interdistrict transfer agreement with another district.

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**BP/AR 6174 - Education for English Learners**

(BP/AR revised)

Policy and regulation updated to reflect **NEW STATE REGULATIONS** (Register 2018, No. 20) governing the implementation of Proposition 58 requirements pertaining to language acquisition programs, and to delete references to the former state assessment of English proficiency. Policy also adds concepts recommended in **NEW CDE PUBLICATION** (The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners). Regulation adds definitions of designated and integrated English language development, renumbers cites to state regulations related to testing accommodations pursuant to **NEW STATE REGULATIONS** (Register 2018, No. 4), and reflects **NEW LAW** (AB 81, 2017) which requires specified information related to "long-term English learners" or "students at risk of becoming a long-term English learner" to be included in the Title I or Title III parental notification of a student's assessment of English proficiency.

**BB 9310 - Board Policies**

(BB revised)

Bylaw updated to address alignment of board policies with the district's vision, goals, and local control and accountability plan and add the concept of proactively addressing equity and equal access in board policies. Material rearranged to emphasize that policies are not operative if in conflict with applicable federal or state law or regulations or court decisions.

# CSBA Sample

## Exhibit

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

E 0420.41(a)

### CHARTER SCHOOL OVERSIGHT

#### REQUIREMENTS FOR CHARTER SCHOOLS

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

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

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
3. Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article 9, Section 5, applies to charter schools. Charter schools may only charge fees which are explicitly authorized by law for charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts. **In addition, Education Code 49011 prohibits all public schools from requiring services or donations as a condition of enrollment or continued enrollment.**

4. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

**CHARTER SCHOOL OVERSIGHT** (continued)

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

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

7. Serve students with disabilities in the same manner as such students are served in other **public district** schools (Education Code 47646, 56145)

8. Admit all students who wish to attend the school, according to the following criteria and procedures:

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

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

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

**CHARTER SCHOOL OVERSIGHT** (continued)

9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
10. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
11. If the school offers a kindergarten program: (Education Code 48000)
  - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2
  - b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020
12. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)
13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)

Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4212.5/4312.5 Criminal Record Check. Education Code 45125.1 requires a criminal background check for certain employees of an entity contracting with a charter school. See AR 3515.6 Criminal Background Checks for Contractors.

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

Note: Education Code 44030.5 requires charter schools to report to the CTC any change in employment status due to an allegation of misconduct. See AR 4117.7/4317.7 Employment Status Reports for further information about these reports.

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



**CHARTER SCHOOL OVERSIGHT** (continued)

- more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
16. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
  17. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

~~Note: Education Code 215, as added by AB 2246 (Ch. 642, Statutes of 2016), requires charter schools that serve students in grades 7-12 to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. See BP/AR 5141.52 — Suicide Prevention for further information regarding these requirements. Also see the CDE's Model Youth Suicide Prevention Policy.~~

18. If the school serves students in grades 7-12, adopt a policy on suicide prevention, intervention, and postvention with specified components (Education Code 215)
19. If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
20. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605, ~~60850-60859~~)
21. ~~Until July 31, 2018, g~~Grant a high school diploma to any student who completed grade 12 in the 2003-04 ~~school year or a subsequent~~ **through 2014-15** school year and ~~who has~~ met all applicable graduation requirements other than the passage of the high school exit examination (Education Code ~~60851.6~~ **51413**)

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

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

Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of

**CHARTER SCHOOL OVERSIGHT** (continued)

independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.

23. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
24. Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)
25. If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

Note: Education Code 33479.1, and 33479.3, and 49475 as added by AB 1639 (Ch. 792, Statutes of 2016), require charter schools that elect to conduct athletic activities to provide student athletes and their parents/guardians with information on the nature and warning signs of concussions/head injuries and sudden cardiac arrest. Such information is available from the on the web site of the California Interscholastic Federation (CIF) or, if the athletic activity is not governed by the CIF, on the CDE's web site. Additionally, Education Code 33479.5, as added by AB 1639, and CIF bylaws provide for a student's removal from participation in an athletic activity if he/she passes out or faints. See BP/AR 6145.2 Athletic Competition.

26. If the school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)
27. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

**CHARTER SCHOOL OVERSIGHT** (continued)**28. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)**

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

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

**30. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7**

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

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

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

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

**CHARTER SCHOOL OVERSIGHT** (continued)

~~Note: Education Code 39831.3, as amended by SB 1072 (Ch. 721, Statutes of 2016), requires charter schools to develop a transportation plan that includes procedures to ensure that a student is not left unattended on a bus. See AR 3543—Transportation Safety and Emergencies for more information regarding transportation safety plans.~~

~~In addition, pursuant to Vehicle Code 28160, as added by SB 1072, on or before the beginning of the 2018-19 school year, each school bus, school activity bus, youth bus, and child care motor vehicle, as defined, must be equipped with a "child safety alert system" (i.e., a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle).~~

- 32. 35.** Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, **youth bus**, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus (Education Code 39831.3)
- 33. 36.** Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
  - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
- 34. 37.** Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding (Education Code 222)
- 35. 38.** Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)
- a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device
  - b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
  - c. Providing defense and indemnification to volunteers for any and all civil liability from such administration

**CHARTER SCHOOL OVERSIGHT** (continued)

~~Note: Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes charter schools to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. See BP/AR 5141.21 Administering Medication And Monitoring Health Conditions.~~

- 36. 39.** If the school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist
- 40.** If the school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)
- 41.** If the school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; ensure that a student with unpaid school meal fees is not shamed, treated differently, or served a meal that differs from other students; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)
- 42.** If the school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)
- 37. 43.** Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
- 38. 44.** Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

**CHARTER SCHOOL OVERSIGHT** (continued)

- b. By July 1 ~~each year~~, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and accountability plan template adopted by the State Board of Education. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5, 52064)

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

- c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and the California Department of Education. (Education Code 47605)

~~Note: Education Code 221.61, as added by SB 1375 (Ch. 655, Statutes of 2016), requires charter schools to post specified information related to the prohibition against discrimination under Title IX (20 USC 1681-1688) on school web sites. Required information includes the name and contact information of the Title IX coordinator for the school, the rights of a student and the public and the responsibilities of the charter school under Title IX, and a description of how to file a complaint under Title IX. See AR 5145.3—Nondiscrimination/Harassment.~~

## **CHARTER SCHOOL OVERSIGHT (continued)**

- 39. 45.** Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)

Note: Pursuant to 5 CCR 4600, direct funded charter schools are subject to state requirements to adopt uniform complaint procedures for investigating and resolving specified types of complaints in accordance with 5 CCR 4600-4670. See BP/AR 1312.3 Uniform Complaint Procedures for further information about types of complaints addressed through these procedures, required notifications, timelines, and other requirements.

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

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

Note: Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

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

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# CSBA Sample

## Board Policy

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

BP 0460(a)

### LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: The following policy is **optional**. Education Code 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a local control and accountability plan (LCAP). Pursuant to Education Code 52060, the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of **supplemental and concentration grants under** the local control funding formula); and (8) student outcomes in the specified course of study. Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities. Examples include priorities for student wellness and other conditions of children, professional development, community involvement, and effective governance and leadership. See the accompanying administrative regulation for further information about the required content of the LCAP.

The LCAP is a key component of the state accountability system. Pursuant to Education Code 52064.5, the State Board of Education (SBE) has adopted evaluation rubrics (called the "California School Dashboard") which will assist districts in evaluating their progress toward the goals in their LCAP. Under the flexibility provided by the federal Every Student Succeeds Act (ESSA) (P.L. 114 95), California has begun to streamline local, state, and federal requirements into a single, coherent system for planning, accountability, and school improvement and support.

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A **community-based**, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions and to facilitate continuous improvement of district practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Note: A template for the LCAP and related requirements are contained in 5 CCR 15494-15497.5. According to California Department of Education (CDE) correspondence dated January 18, 2017, for the 2017-18 school year, districts scheduled for Federal Program Monitoring and/or applying for Title III funds must also complete an LCAP Addendum that was developed by the CDE to ensure alignment of local, state, and federal planning efforts. Districts may use an electronic template, accessible on the CDE's web site, to create their LCAP. Pursuant to Education Code 52064, the State Board of Education (SBE) has adopted a template that districts must use to complete the LCAP. An electronic version of the template is available on the California Department of Education's (CDE) web site.

The Board shall adopt a districtwide local control and accountability plan (LCAP), **following based on** the template **provided in 5 CCR 15497.5 adopted by the State Board of Education**, that addresses the state priorities in Education Code 52060 and any local



**LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)

priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and subsequent two fiscal years. (Education Code 52060, **52064**; 5 CCR **15497.5-15494-15497**)

(cf. 3100 - Budget)

**Note: Education Code 52060 requires that the LCAP include annual goals to be achieved for all students and for each numerically significant student subgroup as defined in Education Code 52052. For schools with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval by the SBE. In addition, several state priorities address programs and services for "unduplicated students," as defined in Education Code 42238.01-42238.02.**

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" **and other or are part of any numerically significant student subgroup that is at risk of or is** underperforming **students**.

*Unduplicated students* include students who are eligible for free or reduced-price meals, English learners, and foster youth, **and are counted only once as defined in Education Code 42238.01** for purposes of the local control funding formula. (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6174 - Education for English Learners)

**Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students, or as otherwise defined by the Superintendent of Public Instruction (SPI). (Education Code 52052)**

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6173 - Education for Homeless Children)

~~Note: Education Code 52062 requires the district to ensure that the specific actions included in the LCAP are consistent with strategies in the single plan for student achievement (SPSA) submitted by each school pursuant to Education Code 64001; see BP/AR 0420 - School Plans/Site Councils for SPSA requirements. In addition, the LCAP template in 5 CCR 15497.5 allows for the LCAP to be supplemented with information contained in other plans, including the Title I local educational agency plan required by 20 USC 6312 (see BP/AR 6171 - Title I Programs).~~

The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

## LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

*(cf. 0420 - School Plans/Site Councils)*

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5030 - Student Wellness)*

*(cf. 6171 - Title I Programs)*

*(cf. 7110 - Facilities Master Plan)*

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

### Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

Note: Education Code 52060 requires consultation on plan development with all of the groups listed below. The Board may delegate responsibility for arranging meetings and other input opportunities to the Superintendent or designee.

5 CCR 15495 defines what it means to consult with students, including unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, students with disabilities, socioeconomically disadvantaged students, English learners, foster youth, and homeless students, when there are at least 30 students in the subgroup (or 15 foster youth or homeless students) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval of the SBE. State regulations do not provide examples of consultation with groups other than students, but consultations might include surveys, the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations.

The district may expand the following paragraph to reflect district practice.

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 4140/4240/4340 - Bargaining Units)*

*(cf. 6020 - Parent Involvement)*

### **Public Review and Input**

Note: Pursuant to Education Code 52063 and 5 CCR 15495, the Board is required to establish a parent advisory committee that is composed of a majority of parents/guardians and includes at least one parent/guardian of an unduplicated student. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board is required to establish an English learner parent advisory committee which, pursuant to 5 CCR 15495 **as amended**, must include a majority of parents/guardians of English learners. The district may use existing parent advisory committees for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15495. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by the law.

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include at least one parent/guardian of an unduplicated student as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

Note: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications.

**LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

*(cf. 5145.6 - Parental Notifications)*

Note: Pursuant to Education Code 305, ~~as amended by Proposition 58 (November 2016) and effective July 1, 2017,~~ the LCAP parent and community engagement process must include solicitation of input as described in the following paragraph. Also see BP/AR 6174 - Education for English ~~Language~~ Learners for further information regarding the types of language acquisition programs that may be offered to students.

As part of the parent and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

Note: Pursuant to Education Code 42127, the Board ~~cannot~~ **must not** adopt a district budget until the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that will be effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools will disapprove the district's budget.

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

*(cf. 9320 - Meetings and Notices)*

**Adoption of the Plan**

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing.

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

## LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

### Submission of Plan to County Superintendent of Schools

Note: Education Code 52070 requires the district to submit the LCAP to the County Superintendent. The County Superintendent may seek written clarification of the contents of the plan and may submit recommendations for amendments as provided below. He/she is required to approve the LCAP on or before October 8 if he/she determines that (1) the LCAP adheres to the template **in 5 CCR 15497.5 adopted by the SBE**; (2) the district budget includes expenditures sufficient to implement the specific actions in the LCAP; and (3) the LCAP adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students. In determining whether the district has fully demonstrated that it will use supplemental and concentration funds to increase or improve services for unduplicated students, 5 CCR 15497 requires the County Superintendent to review any descriptions of districtwide or schoolwide services provided.

Not later than five days after adoption of the LCAP, the Board shall file the LCAP with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

### Monitoring Progress

Note: The following **optional** paragraph may be revised to reflect the district's timeline for reviewing **evaluations of** the progress and effectiveness of strategies included in the LCAP. ~~Such reports~~ **Such reports** should be provided to the Board in sufficient time to allow for any necessary changes in the annual update to the LCAP by July 1 of each year, as required by Education Code 52060-52061. **The California School Dashboard provides a tool to assist in evaluation of district and school performance and includes all of the state priorities for the LCAP described in Education Code 52060.**

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance ~~based on evaluation rubrics adopted by the State Board of Education pursuant to Education Code 52064.5 reported on the California School Dashboard~~. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

**LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)**Technical Assistance/Intervention**

Note: Pursuant to Education Code 52071, the Board may, at its discretion and at the district's expense, request technical assistance as described in items #1-3 below. In addition, the County Superintendent is required to provide such technical assistance whenever he/she does not approve the district's LCAP and/or the district fails to improve student achievement across more than one state priority described in Education Code 52060, as determined using the **SBE evaluation rubric Dashboard**.

When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of district strengths and weaknesses in regard to state priorities, and review of effective, evidence-based programs that apply to the district's goals
2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups
3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074

In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

Note: Education Code 52072 provides that the SPI, with approval of the SBE, may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE's recommendations or that the district's inadequate performance is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

If the **Superintendent of Public Instruction (SPI)** identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the district's LCAP

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

2. Revision of the district's budget in accordance with changes in the LCAP
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

### *Legal Reference:*

#### **EDUCATION CODE**

305-306 English language education

17002 State School Building Lease-Purchase Law, including definition of good repair

33430-33436 Learning Communities for School Success Program; grants for LCAP implementation

41020 Audits

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 **Academic Performance Index; n**Numerically significant student subgroups

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning pilot program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

60811.3 Assessment of language development

64001 Single plan for student achievement

99300-99301 Early Assessment Program

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

15494-~~15497.5~~ **15497** Local control and accountability plan and spending requirements

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

6312 Local educational agency plan

6826 Title III funds, local plans

### *Management Resources:*

#### **CSBA PUBLICATIONS**

*Promising Practices for Developing and Implementing LCAPs*, Governance Brief, November 2016

*LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics*, Governance Brief, rev. October 2016

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*California School Accounting Manual*

***California School Dashboard***

*LCFF Frequently Asked Questions*

***Local Control and Accountability Plan and Annual Update (LCAP) Template***

***Every Student Succeeds Act – Update #6, January 18, 2017***

***Family Engagement Framework: A Tool for California School Districts, 2014***

***California Career Technical Education Model Curriculum Standards, 2013***

*Management Resources continued: (see next page)*

## LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

*Management Resources: (continued)*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

California School Dashboard: <http://www.caschooldashboard.org>

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**Policy Reference UPDATE Service**

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# CSBA Sample

## Administrative Regulation

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

AR 0460(a)

### LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: Education Code 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a three-year local control and accountability plan (LCAP). See the accompanying Board policy for information about plan development and monitoring.

### Goals and Actions Addressing State and Local Priorities

Note: Education Code 52060 requires that the LCAP include annual goals, aligned with specified state priorities, to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052. Pursuant to Education Code 52052, **as amended by AB 104 (Ch. 13, Statutes of 2015)**, a numerically significant subgroup includes ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup (or at least 15 foster youth or homeless students) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval by the State Board of Education (SBE).

In addition, several state priorities address programs and services for "unduplicated students." For purposes of supplemental and concentration grants allocated through the local control funding formula (LCFF), "unduplicated students" are defined by Education Code 42238.02 as students eligible for free or reduced-price meals, English learners, and foster youth; see the accompanying Board policy.

The district's local control and accountability plan (LCAP) shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. The LCAP shall identify goals for each of the following state priorities:
  - a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3517 - Facilities Inspection)*

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

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

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**

- b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

*(cf. 6011 - Academic Standards)*

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

- c. Parent/guardian involvement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, **and students with disabilities**

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6173.1 - Education for Foster Youth)*

**Note: Pursuant to Education Code 52060, the LCAP must address student achievement as measured by specified indicators, including the Academic Performance Index (API), as applicable. However, the API has been replaced by the California School Dashboard, which examines the performance of schools, districts, and defined student groups on measures of academic performance, high school graduation rate, English learner progress, college/career preparation, suspension rate, and chronic absenteeism. Thus, item #1d below does not include the API. Districts may use data from the Dashboard, along with the other specified indicators, to develop goals related to student achievement.**

- d. Student achievement, as measured by all of the following as applicable:

- (1) Statewide assessments of student achievement

- ~~(2)~~ **Academic Performance Index**

- ~~(3)~~ **(2)** The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that satisfy specified requirements and align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692

- ~~(4)~~ **(3)** The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency

**LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)

~~(5)~~ **(4)** The English learner reclassification rate

~~(6)~~ **(5)** The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher

~~(7)~~ **(6)** The percentage of students who participate in and demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301

*(cf. 0500 - Accountability)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6162.5 - Student Assessment)*

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

*(cf. 6178 - Career Technical Education)*

- e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

~~*(cf. 6146.1 - High School Graduation Requirements)*~~

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5147 - Dropout Prevention)*

***(cf. 6146.1 - High School Graduation Requirements)***

- f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

*(cf. 5137 - Positive School Climate)*

*(cf. 5144 - Discipline)*

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

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

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration **grant** funding pursuant to Education Code 42238.02 and 42238.03

*(cf. 6143 - Courses of Study)*

*(cf. 6159 - Individualized Education Program)*

## LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

- h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable

Note: In addition to goals aligned with the state priorities described in item #1 above, Education Code 52060 provides that the LCAP may include goals for local priorities established by the Board; see the accompanying Board policy. **Optional** item #2 below may be revised to reflect local priorities.

2. Any goals identified for any local priorities established by the Board.

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

3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

Note: Pursuant to Education Code 52060, in developing goals and actions for the LCAP, the Board may consider qualitative information, including, but not limited to, the results of school quality reviews conducted pursuant to Education Code 52052. Education Code 52052 authorizes the SPI, with approval of the SBE and conditional upon an appropriation in the state budget, to develop and implement a program of school quality reviews that features locally convened panels to visit schools, observe teachers, interview students, and examine student work.

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on a school accountability report card. (Education Code 52060)

*(cf. 0510 - School Accountability Report Card)*

### Increase or Improvement in Services for Unduplicated Students

Note: The following section is for use by districts that receive LCFF supplemental and/or concentration **grant** funds. Such districts are required to increase or improve services for unduplicated students in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated

## LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

students; see BP 3100 - Budget. 5 CCR 15494-15496, ~~as amended by Register 2015, No. 2,~~ specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students in the fiscal year.

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

~~Note: Whenever a district chooses to expend supplemental or concentration funds on a districtwide or schoolwide basis, it is required pursuant to 5 CCR 15496, as amended by Register 2015, No. 2, to include the following components in its LCAP.~~

When the district expends supplemental and/or concentration **grant** funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory. ~~(5 CCR 15496)~~

### Annual Updates

On or before July 1 of each year, the LCAP shall be updated using the template ~~in 5 CCR 15497.5~~ **adopted by the SBE** and shall include all of the following: (Education Code 52061)

1. A review of any changes in the applicability of the goals described in the existing LCAP pursuant to the section "Goals and Actions Addressing State and Local Priorities" above
2. A review of the progress toward the goals included in the existing LCAP, an assessment of the effectiveness of the specific actions described in the existing LCAP

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN** (continued)

toward achieving the goals, and a description of changes to the specific actions the district will make as a result of the review and assessment

Note: Pursuant to Education Code 52061, the annual update to the LCAP must include expenditures for specific actions included in the LCAP and expenditures serving unduplicated students. Education Code 52061 requires that the expenditures specified in items #3-4 below be classified in accordance with the California School Accounting Manual.

3. A listing and description of the expenditures for the fiscal year implementing the specific actions included in the LCAP and the changes to the specific actions made as a result of the reviews and assessment required by items #1-2 above
4. A listing and description of expenditures for the fiscal year that will serve unduplicated students and students redesignated as fluent English proficient

### **Availability of the Plan**

Note: Education Code 52065 requires the district to post its LCAP and annual update or revisions to the LCAP on the district web site. In addition, the County Superintendent of Schools is required to post all district LCAPs, or links to those plans, on the county office of education web site and to transmit all such plans to the SPI, who will then post links to all plans on the California Department of Education web site.

The Superintendent or designee shall post the LCAP and any updates or revisions to the LCAP on the district's web site. (Education Code 52065)

*(cf. 1113 - District and School Web Sites)*

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#### **Policy Reference UPDATE Service**

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# CSBA Sample

## Board Policy

Community Relations

BP 1400(a)

### RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS

Note: The following **optional** policy may be revised to reflect district practice. Welfare and Institutions Code 18986-18986.30 encourage the development of a comprehensive and collaborative delivery system of services to children and youth at the local level. For further information about establishing collaborative structures among the leadership of local governments, see the Cities, Counties and Schools Partnership's web site.

The Governing Board ~~recognizes that other local government agencies share its concern and responsibility~~ **believes that district efforts to provide a high-quality education for students in the community can be enhanced by collaboration with other government and public agencies that are responsible** for the health, safety, and well-being of **children and youth**. The ~~Board and Superintendent or designee~~ **district** shall initiate and maintain good working relationships with representatives of ~~these~~ **local** agencies **to maximize student and family access to support services that will help students achieve to their highest potential.** ~~in order to help district schools and students make use of the resources which governmental agencies can provide.~~

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5141.52 - Suicide Prevention)

(cf. 5141.6 - School Health Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

**[THE REMAINDER OF BP 1400 DELETED AND THE FOLLOWING NEW TEXT ADDED]**

Note: In addition to any collaborative efforts that the district may initiate, there are a number of county structures in which district participation is appropriate. For example, if the County Board of Supervisors has established an Interagency Children's Services Coordinating Council pursuant to Welfare and Institutions Code 18986.10-18986.15, that council must include at least one superintendent of a unified school district within the county. In addition, Welfare and Institutions Code 18980-18983.8 provide for the development of a Child Abuse Prevention Coordinating Council within each county and encourage representatives of public and private schools to be included on these councils. Pursuant to Health and Safety Code 130100-130155, counties also have established First 5 County Commissions which work to help children enter school physically and emotionally healthy and ready to succeed.

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

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

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

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

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

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

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

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

<p>Note: Education Code 49075 authorizes districts to permit access to student records to any person for whom a parent/guardian has provided written consent; see BP/AR 5125 - Student Records.</p>
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## **RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS (continued)**

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

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

*(cf. 5125 - Student Records)*

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

*(cf. 0500 - Accountability)*

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

*(cf. 1100 - Communication with the Public)*

*(cf. 1160 - Political Processes)*

*(cf. 9000 - Role of the Board)*

*(cf. 9322 - Agenda/Meeting Materials)*

### *Legal Reference:*

#### EDUCATION CODE

8800-8807 Healthy Start support services for children

**10900-10914.5 Cooperative community recreation programs**

49073 Privacy of student records

49075 Parent/guardian permission for release of student records

49557.2 Sharing of information for MediCal eligibility

#### HEALTH AND SAFETY CODE

120440 Immunization records; release to local health departments

130100-130155 Early childhood development; First 5 Commission

#### WELFARE AND INSTITUTIONS CODE

5850-5883 Mental Health Services Act

18961.5 Computerized database; families at risk for child abuse; sharing of information

18980-18983.8 Child Abuse Prevention Coordinating Council

18986-18986.30 Interagency Children's Services Act

18986.40-18986.46 Multidisciplinary services teams

18986.50-18986.53 Integrated day care program

18987.6-18987.62 Family-based services

*Management Resources: (see next page)*

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

### *Management Resources:*

#### **CSBA PUBLICATIONS**

*Expanding Access to High Quality Preschool Programs: A Resource Guide for School Leaders, rev. April 2008*

*Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008*

*Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007*

*Maximizing School Board Governance: Community Leadership, 1996*

#### **CHILDREN NOW PUBLICATIONS**

*California Report Card: The State of the State's Children, 2008*

#### **CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS**

*Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006*

*Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006*

#### **YOUTH LAW CENTER PUBLICATIONS**

*Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995*

#### **WEB SITES**

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

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

California Department of Social Services: <http://www.dss.cahwnet.gov>

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

First 5 California: <http://www.ccfc.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

(11/03 11/07) 7/18

# CSBA Sample

## Board Policy

Administration

BP 2210(a)

### ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

Note: The following **optional** policy may be revised to reflect district practice. ~~Education Code 42605, which granted districts flexibility to use funds received for "Tier 3" categorical programs for any "education purpose," has been repealed by AB 97 (Ch. 47, Statutes of 2013). Pursuant to AB 97, funding for many of the categorical programs affected has been redirected into the new local control funding formula (LCFF) and districts must instead develop a local control and accountability plan (LCAP) that identifies the goals and specific actions the district will take to improve the achievement of all students. For more information about LCFF and its impact on district policies, see CSBA's policy brief Impact of Local Control Funding Formula on Board Policies. For specific requirements related to the LCAP, see BP/AR 0460—Local Control and Accountability Plan.~~

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

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 2110 - Superintendent Responsibilities and Duties)*

*(cf. 2121 - Superintendent's Contract)*

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 9000 - Role of the Board)*

*(cf. 9310 - Board Policies)*

~~In any situation in which immediate action is needed to avoid any risk to the safety or security of district students, staff, or property or disruption to student learning, the Superintendent or designee shall have the authority to act on behalf of the district.~~

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

~~*(cf. 0450 - Comprehensive Safety Plan)*~~

~~*(cf. 3516.5 - Emergency Schedules)*~~

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

## ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY (continued)

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

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

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

### *Legal Reference:*

#### EDUCATION CODE

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

### *Management Resources:*

#### CSBA PUBLICATIONS

*Impact of Local Control Funding Formula on Board Policies, Policy Brief, November 2013*

#### WEB SITES

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

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

# CSBA Sample

## Board Policy

Business and Noninstructional Operations

BP 3312.2(a)

### EDUCATIONAL TRAVEL PROGRAM CONTRACTS

Note: **The following policy is optional and may be revised to reflect district practice.** The following ~~optional~~ policy and regulation reflect Business and Professions Code 17552-17556.5, as added by SB 142 (Ch. 772, Statutes of 1995). SB 142 requires a travel company that conducts K-12 educational field trips to enter into a contract containing specific disclosures.

The Governing Board believes that field trips and other travel opportunities **for students** are a valuable tool in supporting classroom instruction and ~~promoting~~ **enrich** students' ~~awareness of learning about~~ places, **cultures**, and events. ~~In contracting with organizations to provide~~ **The district may contract with a qualified person, partnership, corporation, or other entity for** educational travel services. ~~the Board desires to ensure quality educational experience and while protecting the health, safety, and welfare of each student traveler.~~ **Any such contract shall be submitted to the Board for approval and/or ratification.**

*(cf. 3312 - Contracts)*

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

*(cf. 6153 - School-Sponsored Trips)*

~~The Superintendent or designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.~~

*(cf. 3312 - Contracts)*

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

*(cf. 6153 - School-Sponsored Trips)*

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

The Superintendent or designee shall ensure that each ~~written contract with an educational travel organization~~ **is in writing and** may include the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number, and a 24-hour emergency contact **telephone number, pager, voice mail, or other method of 24-hour communication**
2. ~~An itemized statement which shall include, but not be limited to:~~ **A detailed description of:**
  - a. **Services to be provided as part of the program**

**EDUCATIONAL TRAVEL PROGRAM CONTRACTS** (continued)

- b. Agreed cost for the services
  - c. ~~A statement as to w~~Whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name, **address**, and telephone number of the person or organization ~~which is able to verify coverage~~
  - d. Any additional costs to students
  - e. ~~The qualifications, if any, for~~ **Any** experience and/or training ~~that are required~~ **requirements** to be met by the educational travel organization's staff who ~~shall~~ **will** accompany students on the educational travel program
- 3. ~~A written description of the~~ **The** educational program being contracted for, including a copy of all materials to be provided to students
  - 4. The number of times the educational travel program or a substantially similar educational travel program ~~proposed by the contract~~ has been conducted by the organization and the number of students who completed the program
  - 5. The length of time the organization has either been arranging or conducting educational travel **programs**, and, at the option of the organization, other travel services with substantially similar components
  - 6. The name of each owner, **officer, general partner, or sole proprietor** ~~and principal~~ of the organization
  - 7. ~~A statement as to w~~Whether any owner or principal of the organization has had **any judgment** entered against him/ or her, ~~any judgment, including a stipulated judgment, order,~~ made a plea of nolo contendere, or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

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

## **EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)**

*Legal Reference:*

**EDUCATION CODE**

*35160 Authority of boards*

*35160.1 Broad authority of school districts*

**BUSINESS AND PROFESSIONS CODE**

*17540 Travel promoters*

~~*17550-17550.9 Sellers of travel*~~

***17550.9 Definition of travel services***

*17552-17556.5 Educational travel organizations*

# CSBA Sample

## Board Policy

### Business and Noninstructional Operations

BP 3320(a)

### CLAIMS AND ACTIONS AGAINST THE DISTRICT

Note: The following **optional** policy and accompanying administrative regulation reflect the claims procedure in the Government Claims Act, ~~also known as the Tort Claims Act~~, pursuant to Government Code 810-996.6. The Act details requirements for the filing of claims against public entities such as school districts.

**Government Code 905 specifies certain types of claims which are exempted from the procedures in the Government Claims Act. Pursuant to Government Code 935, a district is authorized to establish its own claims processing procedures for those exempted claims. Government Code 935 authorizes a district to establish its own procedure for the processing of claims which are either excluded from the claims procedures in the Government Claims Act or not listed as exceptions to the Act as specified in Government Code 905. A local claims requirement must be similar to and be no more restrictive than those established by the Government Claims Act. For example, the district's procedures may not allow a longer time for the Board to take action on a claim than the timeline provided for claims under the Government Claims Act. The following policy and accompanying administrative regulation may be revised to reflect district practice.**

Because a district's insurance carrier or ~~Jjoint Ppowers Aauthority~~ (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, **it is strongly recommended** that, prior to adoption by the Governing Board, this board policy and accompanying administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

The Governing Board desires to ~~ensure that the~~ **conduct** district's operations ~~are conducted~~ in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with ~~law, the Government Claims Act or other applicable state or district procedures, Board policy, and administrative regulation~~ as well as the district's ~~Jjoint Ppowers Aauthority~~ (JPA) agreement or **other** insurance coverage.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

Note: Government Code 935 authorizes a district to establish its own procedure for the processing of claims which are either excluded from the claims procedures in the Government Claims Act or not listed as exceptions to the Act as specified in Government Code 905. A local claims requirement must be similar to and be no more restrictive than those established by the Government Claims Act. For example, the district's procedures may not allow a longer time for the Board to take action on a claim than the timeline provided for claims under the Government Claims Act.

The following **optional** paragraph is for use by districts that wish to adopt local requirements and should be modified for consistency with the district's insurance or JPA agreement, as well as advice from the district's legal counsel or risk manager.



**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

**Note: The following optional paragraph is for use by districts that choose to establish their own claims procedures for certain types of claims pursuant to Government Code 935.**

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or **specifically** excepted by Government Code 905 shall be presented **and acted upon in accordance with district-established procedures** consistent with the manner and time limitations ~~in the Government Claims Act~~ **specified in the accompanying administrative regulation**, unless a procedure for processing such claims is otherwise provided by state or federal law **or regulation. (Government Code 935)**

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

**Note: The following paragraph is optional.** Government Code 935.4 authorizes, but does not require, the Board to delegate to any employee the authority to allow, compromise, or settle a claim of \$50,000 or less. ~~The following paragraph is optional and bBoards that do not wish to delegate such authority should delete the following paragraph.~~ Boards that wish to delegate this authority may modify the following paragraph to specify a different employee to whom the authority is delegated and/or an amount less than \$50,000.

~~However, mManagement of the defense or settlement of the claim may be subject to contractual requirements contained in the district's insurance policy, memorandum of coverage, or contractual indemnity agreements. Thus, even when the Board has authorized the Superintendent or another employee to settle such claims, the authority is subject to any such requirements or conditions of coverage. The following paragraph is optional and boards that do not wish to delegate such authority should delete the following paragraph.~~ Boards that wish to delegate this authority may modify the following paragraph to specify a different employee to whom the authority is delegated and/or an amount less than \$50,000.

In accordance with Government Code 935.4, the Board delegates to the Superintendent and Assistant Superintendent the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance **coverage.**

~~This policy applies retroactively to any existing causes of action and/or claims for money and/or damages.~~

**Roster of Public Agencies**

**Note:** Government Code 53051 requires public agencies, such as school districts, to register the information specified below, including the names of all Board members, with the Secretary of State and County Clerk. If the information on file is not accurate or if no information is on file, the court may allow a person to proceed with a claim against the district even if the time limit for filing such a claim has expired. Thus, it is imperative that all required information be current and accurate.

~~The Superintendent or designee shall file the information required for the Roster of Public~~

## CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

~~Agencies with the Secretary of State and the County Clerk. This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board.~~

**Within 10 days of any change in the name of the district, the mailing address of the Board, or the names and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk.** (Government Code 53051)

~~Any changes to such information shall be filed within 10 days after the change has occurred. (Government Code 53051)~~

### *Legal Reference:*

#### EDUCATION CODE

35200 *Liability for debts and contracts*

35202 *Claims against districts; applicability of Government Code*

#### CODE OF CIVIL PROCEDURE

340.1 *Damages suffered as result of childhood sexual abuse*

#### GOVERNMENT CODE

800 *Cost in civil actions*

810-996.6 *Claims and actions against public entities*

6500-6536 *Joint exercise of powers*

53051 *Information filed with secretary of state and county clerk*

#### PENAL CODE

72 *Fraudulent claims*

#### COURT DECISIONS

***Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, (2018) 21 Cal.App.5th 403***

*City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730*

*Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29*

*CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574*

*CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580*

### *Management Resources:*

#### WEB SITES

*California Secretary of State's Office: <http://www.sos.ca.gov>*

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### **Policy Reference UPDATE Service**

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# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3320(a)

## CLAIMS AND ACTIONS AGAINST THE DISTRICT

Note: The following optional administrative regulation reflects Government Claims Act (Government Code 810-996.6) (the Government Claims Act), which sets forth prelitigation requirements and deadlines for claims against public entities, including school districts, as well as statute of limitations and other requirements for lawsuits. In City of Stockton v. Superior Court, the California Supreme Court held that the claim requirements in Government Code 905, 900-915.4 also apply to claims for breach of contract. The court also decided that the phrase "Government Claims Act" is more appropriate than the common phrase "Tort Claims Act."

Because a district's insurance carrier or Joint Powers Authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

### Time Limitations

Note: Items #1-2-3 below list timelines for claims presented pursuant to the Government Claims Act. If a claimant misses a deadline for a claim required to be submitted in accordance with item #1 or #3 below, he/she may present an application to present a late claim pursuant to Government Code 911.4; see section below entitled "Late Claims."

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)

Note: Government Code 905 lists exceptions to the six month time limitation for the filing of claims and many of the exceptions have specified claim procedures in other statutes. For example, Government Code 905 specifies that claims for the recovery of damages for injuries suffered as a result of childhood sexual abuse are subject to the statute of limitations specified in Code of Civil Procedure 340.1. The statute of limitations in Code of Civil Procedure 340.1 allows claims to be presented before the victim is 26 years old or within three years after the victim discovers that his/her psychological injury is a result of the sexual abuse. This provision applies to claims arising from conduct occurring on or after January 1, 2009.

2. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

Note: Pursuant to Government Code 935, a district may establish its own procedure for the presentation of those claims which are excluded from the Government Claims Act as specified in

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

Government Code 905. Optional item #3 below is for use by any district whose board has chosen to exercise the authority to establish district procedures for such claims; see the accompanying Board policy. Item #3 provides six months as the time limitation for filing such claims, which is consistent with the requirement in Government Code 935 that the district's procedure not require a shorter time for presentation of a claim than the time specified in Government Code 911.2. However, the Governing Board has the discretion to adopt a more flexible time limitation and may increase the amount of time allowed for filing such claims. If the Board adopts a more flexible time limitation, the following paragraph should be revised accordingly. In Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, the appellate court ruled that a claim of childhood sexual abuse, which is excepted from the Government Claims Act pursuant to Government Code 905, should have been presented to the district under the district procedures established pursuant to Government Code 935 prior to the filing of the lawsuit on that claim.

3. In accordance with the Board's authority pursuant to Government Code 935, claims for money or damages which are specifically exempted from the Government Claims Act by Government Code 905 and are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)

**Receipt of Claims**

~~Note: Government Code 53051 requires districts to file information about Governing Board members for the "Roster of Public Agencies" with the Secretary of State and County Clerk. If the information on file is not accurate or if no information is on file, a court may allow a person to proceed with a claim against the district even if the time limit for filing such a claim has expired. See the accompanying Board policy.~~

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office or deposited in a post office, **mailbox**, sub-post office, substation, **or** mail chute, or other **like similar** facility maintained by the U.S. **Gg**overnment, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Note: In most circumstances, a district's insurance provider or JPA is responsible for claims management, including investigating, defending, and managing a district's response to a claim presented under the Government Claims Act. The following paragraph requires the Superintendent or designee to immediately forward any claims received to the district's JPA or insurance provider in order to help ensure compliance with any conditions of coverage.

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's **JPA joint powers authority** or insurance carrier in accordance with the applicable conditions of coverage.

## CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

### Review of Contents of the Claim

Note: Government Code 910.4 no longer requires districts to provide a claim form, however most JPAs and insurance carriers provide a **claim** form for these purposes. The person submitting the claim need not use the claim form provided by the district, but, **pursuant to Government Code 910 and 910.2**, the claim must contain a signature and all of the information listed **below**. ~~in Government Code 910.~~

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the **public district** employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000 **as of the date of the presentation of the claim**, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a **"limited civil case."**
7. The signature of the claimant or the person acting on his/her behalf

### Notice of Claim Insufficiency

Note: Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

## **CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

Note: Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

### **Amendment to Claims**

Within the time limits provided **under in** the section **entitled** "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

### **Late Claims**

**Note: The reference to item #3 in the following paragraph should be deleted if the district has not established district procedures pursuant to Government Code 935 for claims that are specifically exempted in Government Code 905 or adopted a time limitation that is not less than one year (see the accompanying Board policy and item #3 in the section "Time Limitations" above).**

For claims under item #1 **and #3** in the section **entitled** "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code **905**, 911.4)

Note: If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its agent should notify the claimant that "no action" was taken because the claim was presented late. If the Board were to state that the claim was "rejected," this would indicate that the Board had accepted the filing of the late claim and taken action to reject it.

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

## **CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)**

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

### **Action on Claims**

Note: If the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action, the claim is considered to be rejected, but the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.

Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

**CLAIMS AND ACTIONS AGAINST THE DISTRICT** (continued)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

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# CSBA Sample

## Board Policy

### Business and Noninstructional Operations

BP 3514(a)

#### ENVIRONMENTAL SAFETY

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

Education Code 17070.75 requires **any each** district participating in the state's School Facility Program ~~or Deferred Maintenance Program~~ to have a facility inspection system ~~in place~~ to ensure that **facilities are each school facility is** kept in good repair. ~~as defined in~~ Pursuant to Education Code 17002, **a facility is in "good repair" when it is maintained in a manner that ensures that it is clean, safe, and functional in accordance with criteria set forth in and determined according to** the Facility Inspection Tool developed by the Office of Public School Construction. ~~This tool includes a number of environmental safety conditions; s~~See AR 3517 - Facilities Inspection. In addition, the U.S. Environmental Protection Agency (EPA) has developed the Healthy School Environments Assessment Tool (HealthySEAT), a software program designed to be customized by districts to conduct voluntary self-assessments of environmental conditions, such as chemical management, hazardous materials and waste, indoor and outdoor air quality, moisture/mold control, pest control, ultraviolet radiation, and construction/renovation of school facilities. For further information, see EPA's web site.

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

(cf. 0200 - Goals for the School District)

**(cf. 0400 - Comprehensive Plans)**

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

(cf. 3517 - Facilities Inspection)

(cf. 4157/4257/4357 - Employee Safety)

~~(cf. 5030 - Student Wellness)~~

(cf. 5142 - Safety)

(cf. 7111 - Evaluating Existing Buildings)

~~Strategies addressed in the district's plan shall include, but not necessarily be limited to, the following:~~ **Such strategies shall focus on maximizing healthy indoor air quality; monitoring the quality of outdoor air and adjusting outdoor activities as necessary; reducing exposure to vehicle emissions; minimizing exposure to lead and mercury; reducing the risk of unsafe drinking water; inspecting and properly abating asbestos; appropriately storing, using, and disposing of potentially hazardous substances; using effective least toxic pest management practices; reducing the risk of foodborne illness; and addressing any other environmental hazards identified during facilities inspections.**

## ENVIRONMENTAL SAFETY (continued)

**(cf. 3510 - Green School Operations)**

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3516.5 - Emergency Schedules)

(cf. 3540 - Transportation)

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

(cf. 3542 - School Bus Drivers)

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

(cf. 5141.23 - Asthma Management)

(cf. 5141.7 - Sun Safety)

**(cf. 5142.2 - Safe Routes to School Program)**

(cf. 6142.7 - Physical Education and Activity)

(cf. 6163.2 - Animals at School)

(cf. 7150 - Site Selection and Development)

~~Note: Districts that select **optional** item #1 below to require strategies for indoor air quality are encouraged to review CSBA's policy briefs on Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments and Asthma Management in the Schools. Also see the accompanying administrative regulation.~~

1. ~~Ensuring good indoor air quality by maintaining adequate ventilation; using effective maintenance operations to reduce dust, mold, mildew, and other indoor air contaminants; and considering air quality in the site selection, design, and furnishing of new or remodeled facilities~~

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

~~(cf. 5141.23 - Asthma Management)~~

~~(cf. 6163.2 - Animals at School)~~

~~(cf. 7150 - Site Selection and Development)~~

~~Note: In order to determine when poor outdoor air quality necessitates limiting outdoor activities, as provided in **optional** item #2 below, districts may use local or online resources to obtain forecasts of air quality and ultraviolet radiation. See the accompanying administrative regulation, BP 5141.7 - Sun Safety, and CSBA's policy brief on Sun Safety in Schools.~~

2. ~~Limiting outdoor activities when necessary due to poor outdoor air quality, including excessive smog, smoke, or ozone, or when ultraviolet radiation levels indicate a high risk of harm~~

~~(cf. 3516.5 - Emergency Schedules)~~

~~(cf. 5141.7 - Sun Safety)~~

~~(cf. 6142.7 - Physical Education and Activity)~~

~~Note: 13 CCR 2480 establishes requirements for limiting idling by school buses and other commercial motor vehicles in order to reduce exposure to diesel exhaust and other air contaminants as provided in **optional** item #3 below; see the accompanying administrative regulation.~~

## ENVIRONMENTAL SAFETY (continued)

### 3. Reducing exposure to diesel exhaust and other air contaminants by limiting unnecessary idling of school buses and other commercial motor vehicles

*(cf. 3540—Transportation)*

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

*(cf. 3542—School Bus Drivers)*

Note: According to the EPA and the Centers for Disease Control and Prevention, exposure to lead, which may be particularly hazardous for young children, can occur through multiple means as described in **optional** item #4 below and in the accompanying administrative regulation.

### 4. Minimizing exposure to lead in paint, soil, and drinking water

Note: Education Code 49410.5 requires districts to comply with EPA guidelines for inspection and management of asbestos-containing materials, as provided in **optional** item #5 below and the accompanying administrative regulation. Naturally-occurring asbestos may be found in rocks or soil and released into the air by routine human activities or weathering processes. According to the EPA, asbestos-containing materials and naturally-occurring asbestos that are intact generally do not pose a health risk, but these materials may become hazardous if they are disturbed and thereby released into the air.

### 5. Inspecting facilities for naturally occurring asbestos and asbestos-containing building materials that pose a health hazard due to damage or deterioration and safely removing, encapsulating, enclosing, or repairing such materials

Note: 8 CCR 5194 requires that a written hazard communication program be developed and implemented by employers whose employees may have potential exposure to hazardous substances, as provided in **optional** item #6 below; see BP/AR 3514.1—Hazardous Substances for further information.

### 6. Ensuring the proper storage, use, and disposal of potentially hazardous substances

*(cf. 3514.1—Hazardous Substances)*

*(cf. 6161.3—Toxic Art Supplies)*

Note: Education Code 17608–17613 require the use of effective least-toxic pest management practices for the management of pests at school sites, as provided in **optional** item #7 below; see AR 3514.2—Integrated Pest Management for further information.

### 7. Ensuring the use of effective least-toxic pest management practices

*(cf. 3514.2—Integrated Pest Management)*

Note: State and federal law (Health and Safety Code 113700–114437 and 42 USC 1758) establish sanitation and safety requirements for food services, as provided in **optional** item #8 below; see BP/AR 3550—Food Service/Child Nutrition Program and CSBA's fact sheet on **Food Safety Requirements**.

**ENVIRONMENTAL SAFETY** (continued)

8. ~~Instituting a food safety program for the storage, preparation, delivery, and service of school meals in order to reduce the risk of foodborne illnesses~~

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

**Note: Health and Safety Code 116277, as added by AB 746 (Ch. 746, Statutes of 2017), requires a community water system serving a school to test for lead in the potable water system of the school and, if the school's lead level exceeds a defined level, the district must notify parents/guardians, take immediate steps to shut down all fountains and faucets where the excess lead levels may exist, and provide a potable source of drinking water to students. Schools that have their own water supply, such as a well, are required to test for lead, copper, and other contaminants in tap water pursuant to other state and federal law and regulations, including 22 CCR 64670-64679 and 40 CFR 141.80-141.91. See the California Water Boards' "Frequently Asked Questions about Lead Testing of Drinking Water in California Schools: Updated for Assembly Bill 746/Health and Safety Code 116277." For more information in regard to lead exposure and remediation, see the accompanying administrative regulation.**

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

*(cf. 1020 - Youth Services)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 5141.6 - School Health Services)*

*Legal Reference: (see next page)*

## ENVIRONMENTAL SAFETY (continued)

### Legal Reference:

#### EDUCATION CODE

17002 Definition of "good repair"

17070.75 Facilities inspection

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-~~17613~~ **17614** Healthy Schools Act of 2000, least toxic pest management practices

32080-32081 Carbon monoxide devices

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

#### FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000, least toxic pest management practices

#### GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

#### HEALTH AND SAFETY CODE

105400-105430 Indoor environmental quality

113700-114437 California Retail Food Code, sanitation and safety requirements

**116277 Lead testing of potable water at schools and requirements to remedy**

#### CODE OF REGULATIONS, TITLE 5

14010 Standards for school site selection

#### CODE OF REGULATIONS, TITLE 8

337-339 Hazardous substances list

340-340.2 Occupational safety and health, rights of employees

1528-~~1533~~ **1537** Construction safety orders; exposure to hazards

5139-5223 Control of hazardous substances

#### CODE OF REGULATIONS, TITLE 13

2025 Retrofitting of diesel school buses

2480 Vehicle idling

#### CODE OF REGULATIONS, TITLE 17

35001-36100 Lead abatement services

#### CODE OF REGULATIONS, TITLE 22

64670-64679 Lead and copper in drinking water

#### **CODE OF REGULATIONS, TITLE 24**

**915.1-915.7 California Building Standards Code; carbon monoxide devices**

#### UNITED STATES CODE, TITLE 7

136-136y Use of pesticides

#### UNITED STATES CODE, TITLE 15

2601-2629 Control of toxic substances

2641-2656 Asbestos Hazard Emergency Response Act

#### UNITED STATES CODE, TITLE 42

1758 Food safety and inspections

#### CODE OF FEDERAL REGULATIONS, TITLE 40

141.1-141.723 Drinking water standards

745.61-745.339 Lead-based paint standards

763.80-763.99 Asbestos-containing materials in schools

763.120-763.123 Asbestos worker protections

Management Resources: (see next page)

**ENVIRONMENTAL SAFETY (continued)***Management Resources:***CSBA PUBLICATIONS**

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

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

*Food Safety Requirements, Fact Sheet, October 2007*

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

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*School Site Selection and Approval Guide, 2000*

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

**CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS**

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

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY: AIR RESOURCES BOARD PUBLICATIONS**

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

**CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS**

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

**DIVISION OF THE STATE ARCHITECT PUBLICATIONS**

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

**U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS**

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

*Healthy School Environments Assessment Tool, rev. 2015*

*Indoor Air Quality Tools for Schools, rev. 2007-2009*

*Healthy School Environments Assessment Tool, 2007*

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

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

*Mold Remediation in Schools and Commercial Buildings, March 2001*

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

**WEB SITES**

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

AirNow: <http://www.airnow.gov>

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

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

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

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

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

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

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

**California Indoor Air Quality Program: <http://www.cal-iaq.org>**

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

Consumer Product Safety Commission: <http://www.cpsc.gov>

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

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

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

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# CSBA Sample Administrative Regulation

## Business and Noninstructional Operations

AR 3514(a)

### ENVIRONMENTAL SAFETY

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

The following paragraph may be revised to reflect the job position(s) designated to coordinate the district's environmental safety programs.

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

(cf. 3510 - Green School Operations)  
(cf. 3511 - Energy and Water Management)  
(cf. 3517 - Facilities Inspection)  
(cf. 4157/4257/4357 - Employee Safety)  
(cf. 5030 - Student Wellness)  
(cf. 5142 - Safety)  
(cf. 7111 - Evaluating Existing Buildings)  
(cf. 7150 - Site Selection and Development)

### Indoor Air Quality

Note: The following **optional** section addresses strategies for maintaining healthy indoor air quality and may be revised to reflect district practice. For further information, see the U.S. Environmental Protection Agency's (EPA) Indoor Air Quality Tools for Schools and CSBA's policy briefs on Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments and Asthma Management in the Schools.

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

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

(cf. 3580 - District Records)



**ENVIRONMENTAL SAFETY** (continued)

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

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.
3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.
4. Least toxic pest management practices shall be used to control and manage pests at school sites. **(Education Code 17608-17614; Food and Agriculture Code 13182)**

(cf. 3514.2 - Integrated Pest Management)

~~Note: Pursuant to Education Code 32080-32081, as added by AB 56 (Ch. 475, Statutes of 2013), the California Building Code scheduled to be adopted in 2016 and effective January 1, 2017 must require carbon monoxide devices to be installed in school buildings constructed after that date which contain a fossil fuel burning furnace. School buildings built prior to that date are encouraged, but not required, to install carbon monoxide devices.~~

5. ~~In any new school construction, and in all existing schools when feasible, t~~The Superintendent or designee shall install a carbon monoxide detector **or alarm** in **all school buildings that contain a** ~~each school building that contains a fossil~~ fuel-burning **appliance, fireplace, or forced-air** furnace. The device **or alarm** shall be ~~placed~~ **located** in close proximity to the ~~furnace~~ **appliance** in order to accurately detect **and alert school personnel of** any leakage of carbon monoxide. **(24 CCR 915.1-915.7)**
6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

(cf. 5141.23 - Asthma Management)

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



## ENVIRONMENTAL SAFETY (continued)

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

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 6161.3 - Toxic Art Supplies)*

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.
10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

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

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms or other enclosed areas or buildings.

*(cf. 6163.2 - Animals at School)*

## Outdoor Air Quality

Note: The following <b>optional</b> section may be revised to reflect district practice. Forecasts of ozone levels and particle pollution are available through the federal AirNow web site and may be printed in local newspapers. The district may monitor ultraviolet radiation levels through the EPA's UV Index web site; see BP 5141.7 - Sun Safety <b>and CSBA's policy brief on Sun Safety in Schools.</b>
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The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, **and/or** ultraviolet radiation levels, **and/or temperature and humidity.**

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

*(cf. 5141.7 - Sun Safety)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

## ENVIRONMENTAL SAFETY (continued)

### Vehicle Emissions

Note: 13 CCR 2480 prohibits idling of school buses, student activity buses, and other commercial motor vehicles within 100 feet of a school except under specified conditions; see AR 3542 - School Bus Drivers for additional language reflecting these requirements.

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

(cf. 3540 - Transportation)

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

(cf. 3542 - School Bus Drivers)

**(cf. 5142.2 - Safe Routes to School Program)**

Note: Pursuant to 13 CCR 2025, any district that owns, operates, leases, or rents a diesel-fueled, **dual-fueled, or alternative diesel-fueled** school bus with a gross vehicle weight rating over 14,000 pounds that was manufactured on or after April 1, 1977 is required to **have** installed a particulate filter in the bus that reduces diesel particulate matter emissions by 85 percent. **The district must ensure that 100 percent of its fleet complies with this requirement by January 1, 2014.**—An exception exists for any school bus that operates fewer than 1,000 miles per year. **In the event that the filter cannot be installed (i.e., if doing so would void the engine warranty, if no appropriate filter is commercially available, or if the manufacturer or installer does not deem the filter to be technologically feasible for the school bus), the district may receive an extension until January 1, 2018 by providing specified information to the Air Resources Board each year.** Any school bus manufactured before April 1, 1977 **must should already** be retired.

Any diesel-fueled, **dual-fueled, or alternative diesel-fueled** school bus with a gross vehicle weight rating over 14,000 pounds **manufactured on or after April 1, 1977** shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

### Drinking Water

Note: The following **optional** section addresses the quality of tap water available in schools. See AR 3550 - Food Service/Child Nutrition Program for information about requirements to make fresh drinking water available during mealtimes.

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

Whenever **levels of arsenic, bacteria, or other any** contaminants in the drinking water are determined to be a concern, the Superintendent or designee **shall take reasonable steps to**

**ENVIRONMENTAL SAFETY** (continued)

**identify the source and mitigate the concern to ensure the availability of safe drinking water** may recommend basic filtration or pipe flushing when feasible. Until drinking water is assured to be safe **As needed,** the Superintendent or designee **may explore shall provide** alternatives **sources of drinking water,** such as bottled water, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day. **As needed,** he/she also may encourage appropriate governmental agencies to conduct regular testing of the water quality in district schools and to implement strategies to improve water quality in the community.

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

~~Drinking fountains in district schools shall be regularly cleaned and maintained to avoid the presence of dirt, mold, or other impurities or health concerns.~~

Note: State and federal law require public water systems, including any schools and child care facilities that are nontransient noncommunity water systems as defined in 40 CFR 141.2, to regularly test water samples for lead. Pursuant to the standards established in 40 CFR 141.80 and 22 CCR 64678, the district may need to take action whenever notified by the public water system, or by its own testing, that lead concentrations exceed .015 milligrams per liter. Health and Safety Code 116277, as added by AB 746 (Ch. 746, Statutes of 2017), requires a community water system serving a school constructed before January 1, 2010 to test for lead in the potable water system of the school. If the school's lead level exceeds 15 parts per billion (equivalent to .015 milligrams per liter), the district must notify parents/guardians, take immediate steps to shut down all fountains and faucets where the excess lead levels may exist, and provide a potable source of drinking water to students. See the California Water Boards' "Frequently Asked Questions about Lead Testing of Drinking Water in California Schools: Updated for Assembly Bill 746/Health and Safety Code 116277." Schools that have their own water supply, such as a well, are required to test for lead, copper, and other contaminants in tap water pursuant to other state and federal law and regulations, including 22 CCR 64670-64679 and 40 CFR 141.80-141.91, and may revise the following paragraph to reflect applicable requirements.

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, ~~in 40 CFR 141.80 and 22 CCR 64678, water outlets shall be flushed thoroughly each day before use or made inoperable until a plan for remediation can be implemented~~ **the Superintendent or designee shall notify parents/guardians and take immediate steps to make inoperable any fountains or faucets where excess lead levels may exist. (Health and Safety Code 116277)**

**Lead Exposure**

Note: The following **optional** section reflects recommendations of the EPA. For further information, the district may contact its city or county lead poisoning prevention program.

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

**ENVIRONMENTAL SAFETY** (continued)

1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

Note: 17 CCR 35001-36100 contain state standards for lead abatement services. In addition, 40 CFR 745.61-745.339 extend federal standards for renovations involving lead-based paint to child-occupied facilities, which include preschools and elementary schools.

3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.
4. Soil with **high low** lead content may be covered with grass, other plantings, concrete, or asphalt. **For soil with high lead content, removal and abatement are required.**
5. Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.

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

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

**Mercury Exposure**

Note: The following **optional** section may be revised to reflect district practice. Mercury may exist in schools in thermometers, barometers, switches, thermostats, flowmeters, lamps, and other sources. Although devices containing mercury are considered safe as long as the mercury is sealed, if a device is broken and mercury spills, the health of students and staff may be endangered.

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

**ENVIRONMENTAL SAFETY** (continued)

Note: The EPA's web site contains detailed procedures for cleaning up a small mercury spill, actions that should never be taken in the event of a spill, and items that should be assembled in a mercury spill kit.

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

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

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

**Asbestos Management**

Note: **The following section is optional.** Education Code 49410-49410.7 and the federal Asbestos Hazard Emergency Response Act (AHERA) (15 USC 2641-2656; 40 CFR 763.80-763.99) contain requirements for asbestos inspection and abatement which are applicable to school districts. For further information, consult the local air quality management district or air pollution control district.

40 CFR 763.84 requires the district to designate a person who will be responsible for ensuring that federal and state requirements are properly implemented. According to the EPA, this designated person is not required to be a licensed asbestos consultant, but the district must verify that he/she has received proper training. The specific knowledge that the designated person must have is described in the EPA's publication [How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide](#). The following section may be revised to reflect the position designated to fulfill this responsibility, who may be the same person designated above to coordinate all of the district's environmental safety programs.

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

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

**ENVIRONMENTAL SAFETY** (continued)

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:
  - a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
  - b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
  - c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

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

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

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

## **ENVIRONMENTAL SAFETY** (continued)

regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84)

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

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

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

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)
8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

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

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# CSBA Sample

## Board Policy

### Business and Noninstructional Operations

BP 3514.1(a)

#### HAZARDOUS SUBSTANCES

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

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

(cf. 3514 - Environmental Safety)

(cf. 4119.42/4219.42/~~4219.42~~**4319.42** - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142 - Safety)

~~(cf. 6161.3 - Toxic Art Supplies)~~

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

(cf. 3510 - Green School Operations)

(cf. 3514.2 - Integrated Pest Management)

Note: Pursuant to Education Code 49401.5, districts may request consultation services from the Department of Industrial Relations, Division of Occupational Safety and Health, to ensure that hazardous materials are being used and stored safely in schools. See the accompanying administrative regulation for legal requirements related to storage and disposal of hazardous substances.

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

**Note: 8 CCR 5194 requires that employers develop and implement a written hazard communication program to inform and train employees who may be exposed to hazardous substances. See the accompanying administrative regulation for required program components. The following paragraph also requires communication with students and others as necessary and may be revised to reflect district practice.**

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

(cf. 1240 - Volunteer Assistance)



**HAZARDOUS SUBSTANCES** (continued)

Note: The following paragraph is for use by districts that offer science laboratory classes, at any grade level, that expose employees to hazardous substances. Pursuant to 8 CCR 5191, any employer that maintains a workplace where there is laboratory use of hazardous chemicals (i.e., where relatively small quantities of hazardous chemicals are used but not produced) is required to have a written chemical hygiene plan to protect employees. See the accompanying administrative regulation for required program components.

In addition, Education Code 49340-49341 encourage educational efforts to increase awareness of students and staff dealing with hazardous materials in school laboratories in order to minimize injuries, loss of property, and classroom disruptions. For further information about safe handling of potentially hazardous substances in science laboratory classes, see the California Department of Education's Science Safety Handbook for California Public Schools.

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

(cf. 6142.93 - Science Instruction)

**Note: The following paragraph may be revised to reflect the grade levels offered by the district. Education Code 32064 prohibits the use of arts and crafts materials containing toxic substances in grades K-6, and requires that any materials with toxic substances used in grades 7-12 meet specified labeling standards that inform users of the long-term health risks and provide instructions for safe use. For additional information and a list of materials prohibited in grades K-6, see the California Office of Environmental Health Hazard Assessment publication Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use.**

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

*Legal Reference: (see next page)*

## HAZARDOUS SUBSTANCES (continued)

### Legal Reference:

#### EDUCATION CODE

**32060-32066 Toxic art supplies in schools**

49340-49341 Hazardous substances education

49401.5 Legislative intent; consultation services

49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal

#### FOOD AND AGRICULTURAL CODE

12981 Regulations re pesticides and worker safety

#### HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

**108100-108515 California Hazardous Substances Act**

#### LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

6380-6386 List of hazardous substances

#### CODE OF REGULATIONS, TITLE 8

339 List of hazardous substances

3203 Illness and injury prevention program

3204 Records of employee exposure to toxic or harmful substances

5139-5230 Control of hazardous substances, especially

5154.1-5154.2 Ventilation

5161 Definitions

5162 Emergency eyewash and shower equipment

5163 Control of spills

5164 Storage of hazardous substances

5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

5194 Hazard communication

#### CODE OF REGULATIONS, TITLE 22

67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities

### Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Science Safety Handbook for California Public Schools, 2012*

#### **CALIFORNIA OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT PUBLICATIONS**

**Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016**

#### WEB SITES

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

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

**California Office of Environmental Health Hazard Assessment: <http://www.oehha.ca.gov>**

Department of Industrial Relations, Cal/OSHA: <http://www.dir.ca.gov/dosh>

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### Policy Reference UPDATE Service

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# New Policy

Business and Noninstructional Operations

BP 3515.21(a)

## UNMANNED AIRCRAFT SYSTEMS (DRONES)

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

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

*(cf. 1330.1 - Joint Use Agreements)*

*(cf. 5142 - Safety)*

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

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

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

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

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

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

BP 3515.21(b)

## UNMANNED AIRCRAFT SYSTEMS (DRONES) (continued)

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

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

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

1. The operator is responsible for complying with applicable federal, state, and/or local laws and regulations, including federal safety regulations pursuant to 14 CFR 107.15-107.51 which include, but are not limited to, requirements that the drone not be flown at night, above 400 feet in altitude, or over any people unless they are in a covered structure or stationary vehicle. The operator shall maintain the visual line of sight with the drone at all times.
2. The drone shall be kept away from any area reasonably considered private, including, but not limited to, restrooms, locker rooms, and individual homes.
3. The district reserves the right to rescind the authorization for use of drones at any time.

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

*(cf. 3515.2 - Disruptions)*

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

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

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

*(cf. 5144 - Discipline)*

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

*Legal Reference: (see next page)*

## UNMANNED AIRCRAFT SYSTEMS (DRONES) (continued)

### *Legal Reference:*

UNITED STATES CODE, TITLE 49

*40101 Note Unmanned aircraft systems*

CODE OF FEDERAL REGULATIONS, TITLE 14

*107.1-107.205 Small unmanned aircraft systems, especially:*

*107.12 Requirement for a remote pilot certificate with a small UAS rating*

*107.15-107.51 Operating rules; safety*

*107.53-107.79 Remote pilot certification*

### *Management Resources:*

FEDERAL AVIATION ADMINISTRATION PUBLICATIONS

*Educational Use of Unmanned Aircraft Systems (UAS), Memorandum, May 4, 2016*

WEB SITES

*Federal Aviation Administration: <https://www.faa.gov/uas>*

# CSBA Sample

## Board Policy

Business and Noninstructional Operations

BP 3516(a)

### EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Note: 5 CCR 560 mandates that the **Governing** Board adopt policy for use by district schools in formulating individual civil defense and disaster preparedness plans.

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

Note: Education Code 32282 requires that emergency **disaster** procedures, **including, but not limited to, earthquake emergency procedures**, be incorporated into the comprehensive school safety plan, ~~including earthquake emergency procedures (see AR 3516.3 - Earthquake Emergency Procedure System and See BP/AR 0450 - Comprehensive Safety Plan).~~ **See BP/AR 0450 - Comprehensive Safety Plan and AR 3516.3 - Earthquake Emergency Procedure System. For districts with an average daily attendance (ADA) over 2,500, the comprehensive safety plan is a school-level plan developed by the school site council or school safety planning committee. Districts with an ADA of 2,500 or less may instead choose to develop a districtwide plan. The following paragraph may be revised to reflect district practice and the individuals or groups responsible for developing the disaster preparedness plan.**

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

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0450 - Comprehensive Safety Plan)*

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

~~The Superintendent or designee shall also develop and maintain emergency plans for each school site.~~

Note: The **following optional paragraph reflects a recommendation from the U.S. Department of Education's** has published **Practical Information on Crisis Planning Guide for Developing High-Quality School Emergency Operations Plans**, which is available on its web site, **and may be revised to reflect district practice**, to provide guidance for schools in developing crisis plans. This document recommends that districts work with city and county emergency planners to help integrate resources and that school staff participate in local emergency planning so that the district perspective is addressed by the local government. In addition, as part of the ~~Pandemic Influenza Planning Checklist~~, the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that local public health administrators be involved in the district's planning process.

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

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 3513.3 - District Police/Security Department)*

Note: ~~Government Code 8607 and 19 CCR 2400-2450 created the Standardized Emergency Management System (SEMS). While SEMS must still be used to coordinate emergency operations, by 2006, pursuant to an Executive Order signed by the Governor, each local agency must integrate the National Incident Management System (NIMS) with the SEMS. Districts should work with their local emergency management agency to assist with this integration.~~ In order to be eligible for reimbursement of response-related personnel costs due to a Governor-proclaimed disaster, each district must follow the **Standardized Emergency Management System (SEMS)** guidelines **(Government Code 8607; 19 CCR 2400-2450)** to coordinate multiple-jurisdiction or multiple-agency operations. The guidelines urge districts to formally adopt policy language giving clear direction to staff to meet SEMS requirements. Districts may contact the California Governor's Office of Emergency Services **(Cal OES)** for more information.

**In addition, public agencies must comply with the National Incident Management System (NIMS). See the Federal Emergency Management Agency's publication National Incident Management System. In accordance with the State of California Emergency Plan, Cal OES is the principal coordinator for NIMS implementation statewide and will annually communicate, monitor, and implement NIMS requirements in cooperation with state and local agencies.**

~~The Superintendent or designee~~ **The plan** shall ~~use~~ **comply with** state-approved Standardized Emergency Management System (SEMS) guidelines **established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.** ~~and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans~~

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

## EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

Note: Pursuant to Education Code 32282, ~~requires that emergency procedures be incorporated into the comprehensive school safety plan, including~~ a procedure to allow the use of school facilities for mass care and welfare shelters during disasters or other emergencies **must be incorporated into the comprehensive school safety plan**. See AR 0450 - Comprehensive Safety Plan.

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

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

Note: Pursuant to Government Code 3100, all public employees are declared to be disaster service workers. As such, in the event that a local or state emergency has been proclaimed or a federal disaster declaration has been made, district staff may be directed to perform jobs other than their usual duties for periods of time exceeding their normal working hours. In those cases, their workers' compensation insurance coverage becomes the responsibility of Cal OES, but their overtime is paid by the district. For further information, see the Cal OES publication **School Emergency Response: Using SEMS at Districts and Sites**.

Government Code 3100-3109 require all disaster service workers to take the oath or affirmation of allegiance to the U.S. Constitution contained in the California Constitution, Article 20, Section 3; see AR/E 4112.3/4212.3/4312.3 - Oath or Affirmation. Although Board members are required to take the same oath upon entering office (see BB 9224 - Oath or Affirmation), **they are not considered disaster service workers according to the definition in Government Code 3101.**

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

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

*(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)*

*Legal Reference: (see next page)*



## EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

### Legal Reference:

#### EDUCATION CODE

32001 Fire alarms and drills  
32040 Duty to equip school with first aid kit  
32280-32289 School safety plans  
32290 Safety devices  
39834 Operating overloaded bus  
46390-46392 Emergency average daily attendance in case of disaster  
49505 Natural disaster; meals for homeless students; reimbursement

#### CIVIL CODE

**1714.5 Release from liability for disaster service workers and shelters**

#### GOVERNMENT CODE

3100-**3109** Public employees as disaster service workers; **oath or affirmation**  
8607 Standardized emergency management system

#### CALIFORNIA CONSTITUTION

**Article 20, Section 3 Oath or affirmation**

#### CODE OF REGULATIONS, TITLE 5

550 Fire drills  
560 Civil defense and disaster preparedness plans

#### CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

### Management Resources:

#### CSBA PUBLICATIONS

**Avian Influenza, Governance and Policy Services Fact Sheet, April 2006**

**911! A Manual for Schools and the Media During a Campus Crisis, 2001**

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

**Crisis Response Box, 2000**

#### CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS

**Active Shooter Awareness Guidance, February 2018**

**State of California Emergency Plan, 2017**

**School Emergency Response: Using SEMS at Districts and Sites, June 1998**

#### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

**Pandemic Influenza Planning Checklist, 2006**

#### CONTRA COSTA COUNTY OFFICE OF EDUCATION

**Pandemic Flu School Action Kit, June 2006**

#### FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

**National Incident Management System, 3rd ed., October 2017**

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

**Guide for Developing High-Quality School Emergency Operations Plans, 2013**

**Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003**

Management Resources continued: (see next page)

## EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

### *Management Resources: (continued)*

#### WEB SITES

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

American Red Cross: <http://www.redcross.org>

**California Attorney General's Office: <https://oag.ca.gov>**

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

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

~~Contra Costa County Office of Education, Pandemic influenza resources:~~

~~[http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)~~

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning:

[http://www2.ed.gov/admins/lead/safety/emergencyplan\\_crisisplanning.html](http://www2.ed.gov/admins/lead/safety/emergencyplan_crisisplanning.html)

U.S. Department of Homeland Security: <http://www.dhs.gov>

# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3516(a)

## EMERGENCIES AND DISASTER PREPAREDNESS PLAN

### Components of the Plan

Note: The following administrative regulation should be modified to reflect district practice.

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

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

(cf. 3516.1 - Fire Drills and Fires)

2. Earthquake, flood, or other natural disasters

(cf. 3516.3 - Earthquake Emergency Procedure System)

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

(cf. 3514 - Environmental Safety)

(cf. 3514.2 - Integrated Pest Management)

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

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3515.7 - Firearms on School Grounds)

(cf. 5131.4 - Student Disturbances)

5. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

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

Note: As part of its Pandemic Influenza Planning Checklist, the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention recommend that a district's emergency and disaster preparedness plan include procedures for dealing with medical emergencies, such as a pandemic flu outbreak.

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

(cf. 5141.22 - Infectious Diseases)

## EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

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

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

*(cf. 3513.3 - District Police/Security Department)*

*(cf. 3515 - Campus Security)*

*(cf. 3517 - Facilities Inspection)*

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

2. Instruction ~~and practice~~ for **district staff and** students ~~and employees~~ regarding emergency plans, including:

- a. Training of staff in first aid and cardiopulmonary resuscitation
- b. Regular practice of emergency procedures by students and staff

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

- a. The appropriate chain of command at the district and, if communication between the district and site is not possible, at each site
- b. Individuals responsible for specific duties
- c. Designation of the principal for the overall control and supervision of activities at each school during **the an** emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
- d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
- e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:

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

- a. Identification of areas of responsibility for **the** supervision of students
- b. Procedures for **the** evacuation of students and staff, including posting of evacuation routes
- c. Procedures for **the** release of students, including a procedure to release students when reference to the emergency card is not feasible

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

*(cf. 5142 - Safety)*

Note: Although loading a school bus in excess of capacity is generally prohibited, Education Code 39834 allows the **Governing** Board to adopt a policy or rule permitting such overloading for the evacuation of students in case of an emergency, as provided in the following paragraph.

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

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

- e. Provision of a first aid kit to each classroom
- f. Arrangements for students and staff with special needs

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 6159 - Individualized Education Program)*

***(cf. 6164.6 - Identification and Education Under Section 504)***

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

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

*(cf. 4261.1 - Personal Illness/Injury Leave)*

*(cf. 5113 - Absences and Excuses)*

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

5. Closure of schools, including an analysis of:

- a. The impact on student learning and methods to ensure continuity of instruction
- b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

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

*(cf. 3516.5 - Emergency Schedules)*

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

- a. Identification of spokesperson(s)

*(cf. 1112 - Media Relations)*

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

*(cf. 1113 - District and School Web Sites)*

***(cf. 1114 - District-Sponsored Social Media)***

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
- d. Distribution of information about district and school site emergency procedures to staff, students, and parents/guardians

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

- a. Development of guidelines for law enforcement involvement and intervention
- b. Collaboration with the local health department, including development of a tracking system to alert the local health department **to** of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

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

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

- a. Inspection of school facilities
- b. Provision of mental health services for students and staff, as needed

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

**Note: The following optional paragraph reflects a recommendation of the California Office of the Attorney General and the California Department of Education (CDE) in their joint publication Crisis Response Box, which is available on the CDE's web site.**

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

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

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# CSBA Sample Administrative Regulation

Business and Noninstructional Operations

AR 3541(a)

## TRANSPORTATION ROUTES AND SERVICES

**Note:** The following administrative regulation is for use by districts that choose to provide transportation services for students to and from school, either through their own transportation system, contracting out, or other methods, as authorized by Education Code 39800.

### **Routes and Bus Stops**

The Superintendent or designee shall design transportation routes and stops **within district boundaries that** to promote **the student safety**, ~~of students and~~ maximum efficiency in the use of buses, **and decreased traffic in and around the schools.**

*(cf. 3510 - Green School Operations)*

*(cf. 3514 - Environmental Safety)*

*(cf. 3540 - Transportation)*

**Note:** 5 CCR 15241 establishes minimum transportation distances for determining district reimbursement for transportation expenses. These distances are measured from the point the student boards the bus at the regular stop to the school by the shortest traveled road.

The numbers listed below reflect reimbursement minimums pursuant to 5 CCR 15241. Districts should revise the following **section list** to reflect appropriate grades and applicable distances.

Students may be eligible for transportation service to and from school if the distance between their school-established bus stop and the school is beyond the minimum listed below:

1. For elementary school students:  
  
Grades K-3: three-fourths mile  
Grades 4-8: one mile
2. For students attending a three-year junior high school:  
  
Grades 7-9: one mile
3. For students attending a four-year high school:  
  
Grades 9-12: two miles

The Superintendent or designee may authorize transportation ~~within the walking distance~~ **below these limits** when safety problems or hazards exist.

*(cf. 5142.2 - Safe Routes to School)*

AR 3541(b)



## TRANSPORTATION ROUTES AND SERVICES (continued)

Students who attend a school outside their attendance area may be eligible for transportation services in accordance with Board policy.

*(cf. 5116.1 Intradistrict Open Enrollment)*

*(cf. 5117 Interdistrict attendance)*

Note: The following **optional** paragraph should be modified to reflect district practice.

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules, and stops. ~~and/or shall~~ **He/she may also** arrange for local media to publish such information.

*(cf. 1112 - Media Relations)*

### Transportation Services

Note: Items #1-10 below should be revised to reflect services provided or contracted for by the district.

With the Governing Board's authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)

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

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)

Note: Education Code 39837.5, as amended by AB 1453 (Ch. 173, Statutes of 2017), authorizes districts to provide for the transportation of adult volunteers to and from educational activities.

4. District employees, ~~and~~ parents/guardians, **and adult volunteers** traveling to and from educational activities authorized by the district (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 39800)

*(cf. 5148.3 - Preschool/Early Childhood Education)*

6. Students traveling to full-time occupational classes provided by a ~~Regional Occupational center or Program or Center~~ **Regional Occupational center or Program** (Education Code 39807.5, 41850)

## TRANSPORTATION ROUTES AND SERVICES (continued)

### *(cf. 6178.2 - Regional Occupation Center/Program)*

7. Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)
8. Matriculated or enrolled adults traveling to and from school, or adults for educational purposes other than to and from school (Education Code 39801.5)

### *(cf. 6200 - Adult Education)*

9. Private school students, **upon the same terms**, in the same manner, and on the same routes provided for district students (Education Code 39808)
10. Nonschool purposes as allowed by law, such as:
  - a. Community recreation (Education Code 39835)
  - b. Public transportation (Education Code 39841)

Note: Item #10c is for use only by districts that ~~normally transport to and from school, students residing on property belonging to a federal, state or local agency.~~ **have entered into a contract with a federal, state, or local agency pursuant to Education Code 39840 to grant the use of a school bus to transport employees of that agency to and from their places of employment, provided that the district already provides transportation to and from school for students residing on the government agency's property, public transportation is not reasonably available to the agency's employees, and the transportation of agency employees does not interfere with the district's use of school buses for school transportation purposes.**

- c. Transportation of government employees to and from their places of employment (Education Code 39840)

Students who attend ~~a~~ school outside of their **school** attendance area or district boundaries may be eligible for transportation services in accordance with ~~Board~~ **district** policy.

### *(cf. 5116.1 - Intradistrict Open Enrollment)*

### *(cf. 5117 - Interdistrict Attendance)*

The district shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs **or Section 504 plan**. (Education Code 41850; 20 USC 1400-1482; 34 CFR 104.4, **300.17, 300.34**)

### *(cf. 3541.2 - Transportation for Students with Disabilities)*

### *(cf. 6159 - Individualized Education Program)*

### *(cf. 6164.6 - Identification and Education under Section 504)*

## TRANSPORTATION ROUTES AND SERVICES (continued)

Note: The McKinney-Vento Homeless Assistance Act (42 USC 11432) mandates that the district adopt policies and practices to ensure that transportation is provided to homeless ~~children~~ **students** who have moved, but have decided to continue to attend their school of origin. See BP/AR 6173 - Education for Homeless Children for language implementing this mandate.

The Superintendent or designee shall provide transportation to homeless ~~children~~ **students** in accordance with law, Board policy, and administrative regulation. **When the student resides outside of district boundaries, the Superintendent or designee shall consult with the superintendent of the district of residence to apportion the responsibility and costs of transportation. (42 USC 11432)**

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

**The Superintendent or designee shall collaborate with the local child welfare agency to determine the provision, arrangement, and funding of transportation to enable foster youth to attend their school of origin when it is in the student's best interest to do so. (20 USC 6312)**

*(cf. 6173.1 - Education for Foster Youth)*

*Legal Reference: (see next page)*

## TRANSPORTATION ROUTES AND SERVICES (continued)

### Legal Reference:

#### EDUCATION CODE

10900.5 Use of school buses for community recreation

35330 Excursions and field trips

35350 Authority to transport pupils

39800-39809.5 Transportation, general provisions, especially:

39800 Powers of governing board to provide transportation to and from school

39801.5 Transportation for adults

39808 Transportation for private school students

39830-~~39842~~ **39843** School buses, especially:

39835 Use of school buses for community recreation

39837 Transportation to summer employment program

39837.5 Transportation of employees, ~~and~~ parents/guardians, **and adult volunteers** to school activities

39860 Transportation to school activities

41850-41856 Allowances for transportation

41860-41863 Supplementary allowances for transportation

**48853.5 Educational placement of students residing in licensed children's institutions**

#### CODE OF REGULATIONS, TITLE 5

15240-15244 Allowances for student transportation, **definitions**

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

**6312 Transportation to maintain children in foster care in school of origin**

#### UNITED STATES CODE, TITLE 42

11432 McKinney-Vento Homeless Assistance Act

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

**300.17 Free appropriate public education**

**300.34 Special education related services**

### Management Resources:

#### **CSBA PUBLICATIONS**

**Special Education Pupil Transportation: Considerations in the Era of LCFF, Governance Brief, April 2014**

#### **WEB SITES**

California Department of Education, Office of School Transportation:

~~<http://www.cde.ca.gov/bus/index.html>~~ **<https://www.cde.ca.gov/ls/tm/or/assignment.asp>**

Pupil Transportation Safety Institute: <http://www.ptsi.org>

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### Policy Reference UPDATE Service

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### Business and Noninstructional Operations

BP 3515.21(a)

# CSBA Sample

## Board Policy

All Personnel

BP 4140(a)

4240

BARGAINING UNITS

4340

Note: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

Pursuant to Government Code 3540.1, the definition of "exclusive representative" includes representation of "all public school employees" other than management and confidential employees, as defined. ~~Thus, employees such as noon time aides who are neither certificated nor classified employees may be represented.~~

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

The Governing Board recognizes the right of district employees to form a bargaining unit, select an employee organization as their exclusive representative, and be represented by that organization in their employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4143/4243 - Negotiations/Consultation)*

*(cf. 9000 - Role of the Board)*

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

~~Note: Government Code 3550, as added by SB 285 (Ch. 567, Statutes of 2017), prohibits a district from deterring or discouraging employees from becoming or remaining members of an employee organization.~~

~~The district shall not deter or discourage employees from becoming or remaining members of an employee organization, impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)~~

## **BARGAINING UNITS** (continued)

### **Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district may recognize a bargaining unit of supervisory employees if: (Government Code 3545)

1. The bargaining unit includes all supervisory employees.
2. The supervisors are not represented by the same organization that represents employees whom the supervisory employees supervise.

(cf. 4300 - Administrative and Supervisory Personnel)

(cf. 4301 - Administrative Staff Organization)

(cf. 4312.1 - Contracts)

For this purpose, *supervisory employee* means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment. (Government Code 3540.1)

Note: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee organization. The Public Employment Relations Board ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. When represented by an employee organization, that organization shall not meet and negotiate with the district. For this purpose: (Government Code 3540.1, 3543.4)

1. *Management employee* means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board.

## BARGAINING UNITS (continued)

2. *Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

### Membership

Note: Government Code 3550, as added by SB 285 (Ch. 567, Statutes of 2017), prohibits a district from deterring or discouraging employees from becoming or remaining members of an employee organization. Government Code 3550, as amended by SB 866 (Ch. 53, Statutes of 2018), prohibits a district from deterring or discouraging employees or job applicants from authorizing representation by or making dues deductions to an employee organization.

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

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

Note: The following paragraph is optional. Government Code 3553, as added by SB 866 (Ch. 53, Statutes of 2018), establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain

## BARGAINING UNITS (continued)

from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication provided that, at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

### Access to Employee Orientations and Contact Information

Note: Pursuant to Government Code 3556, as added by AB 119 (Ch. 21, Statutes of 2017), districts are required to provide recognized employee organizations access to new employee orientations, as defined, and to give at least 10 days' notice in advance of any such orientation. However, shorter notice may be provided if an unforeseeable urgency critical to the district's operations prevents giving the required 10 days' notice.

Government Code 3556 and 3557, as added by AB 119, require that the structure, time, and manner of access to new employee orientations be determined by mutual agreement of the district and employee organization. If the parties fail to reach an agreement regarding the new employee orientation, the negotiations become subject to compulsory interest arbitration. Although districts are required to negotiate how access is provided to employees, they are not required to negotiate the manner in which onboarding is conducted.

The district shall permit employee organizations access to new employee orientations where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation. However, in any specific instance where an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice, a shorter notice may be provided. (Government Code 3555.5, 3556)

The structure, time, and manner of the access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative, following a request to negotiate by either party. If the district and exclusive representative fail to reach an agreement, matters related to the access to new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)



## BARGAINING UNITS (continued)

**Note: SB 866 (Ch. 53, Statutes of 2018) amended Government Code 3556 to add the following requirement.**

**The date, time, and place of the orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)**

Note: Pursuant to Government Code 3558, **as added by AB 119 (Ch. 21, Statutes of 2017)**, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code 6254.3, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 6254.3, **as amended by AB 119**, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In County of Los Angeles v. Service Employees International Union, Local 721, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire. In addition, the Superintendent or designee shall provide the same information **on in regard to** all employees in the bargaining unit to an exclusive representative at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor shall he/she disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or any employee who provides written request that the information not be disclosed for this purpose. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone

## BARGAINING UNITS (continued)

numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

(cf. 1340 - Access to District Records)

### **Payment of Dues or Service Fee—Membership Dues or Service Fee—Other Payments to an Employee Organization**

Note: Pursuant to Government Code 3546, all employees in a classification represented by an employee organization are required to pay a fee to the employee organization to cover the costs of negotiations, contract administration, and other activities that are germane to its function as the exclusive bargaining representative (i.e., "agency fee" arrangements, which require employees to either join the union or pay a "fair share service fee"). However, the constitutionality of agency fee statutes such as Government Code 3546 is a legal issue currently before the U.S. Supreme Court in Janus v. American Federation of State, County, and Municipal Employees. Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in Janus v. American Federation of State, County, and Municipal Employees, bargaining unit employees who choose not to join an employee organization may no longer be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, as amended by SB 866 (Ch. 53, Statutes of 2018), an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to him/her by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by Janus v. AFSCME.

As provided in the following section, Education Code 45060 and 45068, as amended by SB 866 (Ch. 53, Statutes of 2018), set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

Specifically, Education Code 45060 and 45168, as amended, provide that the employee organization will handle and process employee written authorizations if it certifies that it has and will maintain individual employee authorizations. When such certification is provided to the district, the employee organization is not required to submit a copy of the written authorization in order for the payroll deductions to be effective, unless there is a dispute about the existence or terms of the written authorization. The employee organization is required to indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization.

When an employee organization declines to provide such certification pursuant to Education Code 45060 and 45168, then the district should request a copy of the employee written authorization before making the payroll deductions. Education Code 45060 and 45168 require that the district honor the terms of the employee's written authorization for payroll deductions, which thus requires the district to first see a copy of such authorization in order to honor its terms.

## **BARGAINING UNITS (continued)**

**Pursuant to Education Code 45060 and 45168, as amended, employee requests to cancel or change authorization for payroll deductions must be directed to the employee organization rather than the district.**

**~~Upon the written request of a recognized employee organization, the Superintendent or designee shall deduct the amount of organization dues or the fair share service fee, determined in accordance with Government Code 3546, from the wages and salary of each employee represented by that employee organization and shall pay that amount to the employee organization.~~ When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168; Government Code 3546)**

**An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)**

**When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)**

**A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)**

## BARGAINING UNITS (continued)

~~Any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to join, maintain membership in, or financially support any employee organization as a condition of employment. However, such an employee may be required to pay an amount equal to the service fee to a designated charitable fund. (Government Code 3546.3)~~

~~Each employee organization shall, within 60 days after the end of its fiscal year, provide the Board and the employees who are members of the organization with a detailed financial report consisting of a balance sheet and an operating statement. If the employee organization fails to provide the financial report, the Board may issue an order compelling the organization to provide the financial report or any employee within the organization may petition the Board for such an order. (Government Code 3546.5)~~

~~(cf. 3460 Financial Reports and Accountability)~~

### Legal Reference:

#### EDUCATION CODE

45060-45061.5 Deduction of fees from salary or wage payment, certificated employees

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions

45108.5 Definition of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45168 Deduction of fees from salary or wage payment, classified employees

45220-45320 Merit system, classified employees

#### GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3540.1 Definitions

3543.4 Management position; representation

3545 Appropriateness of unit; basis

3550-3552 Prohibition on public employers deterring or discouraging union membership

3555-3559 Public employee communication, information and orientation

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6254.3 Disclosure of employee contact information to employee organization

6503.5 Joint powers agencies

53260-53264 Employment contracts

#### CODE OF REGULATIONS, TITLE 8

33015-33490 Recognition of exclusive representative; proceedings

33700-33710 Severance of established unit

34020 Petition to rescind organizational security arrangement

34055 Reinstatement of organizational security arrangement

## **BARGAINING UNITS** (continued)

*Legal Reference: (continued)*

### COURT DECISIONS

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

*Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083*

*County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905*

*Management Resources:*

### WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

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

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# CSBA Sample

## Board Policy

Students

BP 5112.5(a)

### OPEN/CLOSED CAMPUS

Note: Education Code 44808.5 grants the **Governing Board** the authority to allow high school students to leave the school campus during lunch. **Neither the district, nor its employees or officers are not liable for the conduct or safety and conduct of students who leave under this policy school grounds pursuant to Education Code 44808.5. Districts that maintain high schools may select Option 1 (open campus) or Option 2 (closed campus) below. Districts that do not maintain high schools may delete this policy or select Option 2. The open campus option does not apply to K-8 school districts.**

#### Open Campus

In order to give students an opportunity to demonstrate responsibility, **independent judgment**, and positive citizenship, the Governing Board establishes an open campus at grades 10-12 at district high school in which students shall have the privilege of leaving campus during lunch.

Note: The following optional paragraph is for use by districts that choose to impose conditions on the privilege to leave campus during lunch (e.g., based on academic achievement, attendance, and/or grade level) and may be revised to reflect specific district criteria, the process for determining eligibility, and/or the person responsible for enforcement.

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

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

*(cf. 5145.6 - Parental Notifications)*

~~The privilege of open campus may be revoked from individual students for disciplinary reasons.~~

~~*(cf. 5144 - Discipline)*~~

Students shall not leave ~~the~~ school grounds at any other time during the school day without **written express** permission of **their parents/guardians and** school authorities. Students who leave school ~~or who fail to return following lunch~~ without authorization shall be **considered to have an unexcused absence and be** ~~classified truant and~~ subject to disciplinary action.

*(cf. 5112.1 - Exemptions from Attendance)*

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.11 - Attendance Supervision)*

**OPEN/CLOSED CAMPUS** (continued)

*(cf. 5113.12 - District School Attendance Review Board)*

~~The privilege of open campus may be revoked from~~ **The principal or designee may revoke the open campus privilege for individual students for disciplinary reasons.**

*(cf. 5144 - Discipline)*

*Legal Reference:*

EDUCATION CODE

35160 Authority of the ~~B~~board

35160.1 Broad authority of school district

44808.5 Permission for ~~pupils~~ **students** to leave school grounds; notice

**48980 Annual notification to parents/guardians**

# CSBA Sample

## Administrative Regulation

Students

AR 5125.2(a)

### WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

Note: Pursuant to Education Code 48904, parents/guardians of any minor who willfully cuts, defaces, or otherwise injures any real or personal property belonging to the district, or who does not return district property that was loaned to the student, are liable for paying damages to the district up to the amount specified in law and annually adjusted for inflation; see BP/AR 3515.4 - Recovery for Property Loss or Damage. Until the damages are paid, the district is authorized to withhold the grades, diploma, and/or transcripts of the student responsible for the damage.

Education Code 48904 mandates the Governing Board to establish regulations governing its procedures for seeking reparation when school property is willfully damaged or not returned, and for withholding a student's grades, diploma, and/or transcripts until reparation is made. In such cases, the district must afford the student his/her due process rights, and the district's procedures must parallel Education Code procedures for student expulsion. (Education Code 48904) The district may not withhold records for nonpayment of meal tickets or library overdue fines.

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or does not return district property that has been loaned to him/her upon demand of a district employee, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (Education Code 48904)

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

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

(cf. 5125 - Student Records)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due. Before withholding the student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

(cf. 5145.6 - Parental Notifications)

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

(cf. 5131.5 - Vandalism and Graffiti)



## WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS (continued)

*(cf. 6161.2—Damaged or Lost Instructional Materials)*

**Note: Education Code 48904 mandates that the district's procedures for withholding a student's grades, diploma, and/or transcripts conform to procedures established in the Education Code for student expulsion. For due process procedures related to student expulsion, see BP/AR 5144.1 - Suspension and Expulsion/Due Process.**

**If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts. The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904)**

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

If the student and parents/guardians are unable to pay for the damages or return the property, the principal Superintendent or designee shall provide a program of voluntary work for the student **to do in lieu of monetary damages. When this Upon completion of the** voluntary work **is completed**, the student's grades, diploma, **and/or or** transcripts shall be released. (Education Code 48904)

**Note: A district cannot refuse to transfer student records to another district. Upon receiving notice that the district is withholding a student's grades, diploma or transcripts, however, any district to which the student transfers must also withhold them until it receives notice that the first district's decision has been rescinded.**

**The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. When a student who is transferring into the district has had his/her grades, diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)**

**When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared. Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by the district has transferred to another district in California, the Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.**

**WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS** (continued)

The Superintendent or designee shall **also** notify the **student's** parents/guardians in writing that **this district's the** decision to withhold **the student's** grades, diploma, **and/or** transcripts will be enforced by the new district. (Education Code 48904.3)

~~The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. (Education Code 48904.3)~~

~~(cf. 5125—Student Records)~~

*Legal Reference:*

EDUCATION CODE

48904 *Liability of parent*

48904.3 *Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold*

48911 *Suspension by principal, designee or superintendent*

49069 *Absolute right to access*

# CSBA Sample

## Administrative Regulation

Students

AR 5141.32(a)

### HEALTH SCREENING FOR SCHOOL ENTRY

Note: The following **optional** regulation is for use by districts that offer grades K-1.

#### Comprehensive Health Screening for Grades K-1

Note: Health and Safety Code 124085 requires students to have a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter, as provided below. At their discretion, districts may revise the following paragraph to require proof of the health screening before the student is admitted to school (kindergarten or grade 1), as recommended by the Child Health and Disability Prevention (CHDP) office of the California Department of Health Care Services (DHCS) in its CHDP School Handbook: School Entry Health Examination Requirements.

Pursuant to Health and Safety Code 124085, evidence of the comprehensive health screening must be provided on a form developed by the DHCS. Districts may obtain the DHCS "Report of Health Examination for School Entry" certification form through the CHDP program office at the local health department or on the CHDP web site.

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

(cf. 5111 - Admission)

(cf. 5141.3 - Health Examinations)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

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

Note: Pursuant to Health and Safety Code 124100, the notification described in the following paragraph must be provided in cooperation with the county's CHDP program established pursuant to Health and Safety Code 124025-124110. The CHDP program provides state-reimbursed health examinations at no cost to eligible students, including those who (1) are certified as eligible to receive Medi-Cal, (2) are not certified as eligible for Medi-Cal but have a family income at or below the level established annually by the DHCS, or (3) are attending a Head Start or State Preschool program. Annual eligibility criteria for the CHDP program are available on the DHCS web site and in its CHDP School Handbook: School Entry Health Examination Requirements.

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

## HEALTH SCREENING FOR SCHOOL ENTRY (continued)

*(cf. 5145.6 - Parental Notifications)*

Note: The following **optional** paragraph reflects legislative intent in Health and Safety Code 124105 encouraging students to complete the health screening in conjunction with immunizations prior to enrolling in kindergarten. The CHDP School Handbook: School Entry Health Examination Requirements recommends that schools include the parent/guardian notice in the kindergarten registration packet because it has been found to be most effective to collect the certification forms at kindergarten entry.

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

*(cf. 5141.31 - Immunizations)*

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

Note: The following **optional** paragraph may be revised to reflect district practice. The CHDP School Handbook: School Entry Health Examination Requirements recommends that the waiver form be provided to parents/guardians upon request rather than distributed with the notification of the health screening requirement.

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

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

*(cf. 5125 - Student Records)*

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

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

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

Note: Pursuant to Health and Safety Code 124105, the exemptions described in the following paragraph may not exceed five percent of the district's first-grade enrollment.

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

(cf. 5112.2 - Exclusions from Attendance)

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

~~Note: The following optional section reflects Education Code 49452.8, as added by AB 1433 (Ch. 413, Statutes of 2006), which requires certification that a student enrolling in school for the first time, either in kindergarten or first grade, receives an oral health assessment. As required by Education Code 49452.8, the California Department of Education (CDE) has developed a standardized form, available on its web site, to be used by all districts to obtain the certification of the assessment.~~

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

Note: The **California Department of Education (CDE)** has developed a sample parental notification letter, available on its web site, which satisfies the following requirements of Education Code 49452.8.

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

1. An explanation of the administrative requirements of the law
2. Information on the importance of primary teeth
3. Information on the importance of oral health to overall health and to learning
4. A toll-free telephone number to request an application for **Healthy Families**, Medi-Cal, or other government-subsidized health insurance programs

## HEALTH SCREENING FOR SCHOOL ENTRY (continued)

5. Contact information for county public health departments
6. A statement of privacy applicable under state and federal laws and regulations

Note: The following **optional** paragraph may be revised to reflect district practice. As required by Education Code 49452.8, the ~~California Department of Education (CDE)~~ has developed a standardized "**Oral Health Assessment Form**," available on its web site, to be used by all districts to obtain the certification of the assessment.

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

**Following completion of the assessment,** ~~The parent/guardian shall submit to the Superintendent or designee a California Department of Education, standardized form a completed certification form which has been completed and signed by the dental health professional.~~

Note: Pursuant to Education Code 49452.8, if parents/guardians are unable to obtain the oral health assessment for any of the reasons specified below, they must instead complete the section of the CDE's **certification** ~~standardized~~ form indicating why an assessment could not be completed.

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

1. Completion of an assessment poses an undue financial burden on the parent/guardian.
2. The parent/guardian lacks access to a licensed dentist or other dental health professional.
3. The parent/guardian does not consent to an assessment.

Note: The following paragraph is optional. Education Code 49452.8, as amended by SB 379 (Ch. 772, Statutes of 2017), requires the CDE's certification form to **include specified information in regard to parental rights related to school site oral health assessments.**

**If the district hosts a free oral health assessment event at which licensed dentists or other licensed dental health professionals perform school site assessments of students enrolled in the school, any student who has not had an oral health assessment shall be given an assessment unless his/her parent/guardian has indicated on the certification**

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

**form that he/she does not consent to the student receiving an assessment. However, a student shall not receive dental treatment of any kind without his/her parent/guardian's informed consent for the treatment. (Education Code 49452.8)**

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

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

**Note: SB 379 (Ch. 772, Statutes of 2017) amended Education Code 49452.8 to change the date for reporting oral health assessment data, as provided in the following paragraph.**

By **July 1** ~~December 31~~ of each year, the Superintendent or designee shall report data on oral health assessments to **the state dental director and/or** the county office of education in accordance with Education Code 49452.8.

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

*Legal Reference: (see next page)*

## HEALTH SCREENING FOR SCHOOL ENTRY (continued)

### Legal Reference:

#### EDUCATION CODE

48985 Notice to parents in language other than English

49060-49079 ~~Pupil~~ **Student** records

49452.8 Oral health assessment

#### HEALTH AND SAFETY CODE

104395 Child Health and Disability Prevention Program expansion

124025-124110 Child Health and Disability Prevention Program, especially:

124085 Certificate documenting health screening and evaluation services; waiver by parent/guardian

124100 Distribution of program information to parents/guardians of kindergarten children

124105 Exclusions and exemption; legislative intent of notification contents

#### CODE OF REGULATIONS, TITLE 5

432 Student records

#### CODE OF REGULATIONS, TITLE 17

6800-6874 Child Health and Disability Prevention Program

### Management Resources:

#### CSBA PUBLICATIONS

~~Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Governance and Policy Services, Policy Brief, February 2007~~

#### CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

**Child Health & Disability Prevention (CHDP) Program: Oral Health Educational Resources for Children and Teens (6-20 years), rev. July 2013**

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006

#### WEB SITES

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

California Dental Association: <http://www.cda.org>

California Department of Education, Health Services: <http://www.cde.ca.gov/ls/he/hn>

California Department of Health Care Services, Child Health and Disability Prevention Program: <http://www.dhcs.ca.gov/services/chdp>

California Healthy Kids Resource Center: <https://www.ccrcca.org/resources/family-resource-directory/item/california-healthy-kids-resource-center> <http://www.californiahealthykids.org>

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# CSBA Sample

## Board Policy

Instruction

BP 6020(a)

### PARENT INVOLVEMENT

Note: 20 USC 6318, **as amended by the Every Student Succeeds Act (P.L. 114-95)**, mandates each district receiving federal Title I, Part A, funds to have a written parent/**guardian and family engagement involvement** policy developed jointly with and agreed upon by parents/guardians **and family members** of participating students. Education Code 11504 **mandates** districts to adopt a policy on parent/**guardian involvement** applicable to each school that does not receive Title I funds. The following policy and accompanying administrative regulation contain language satisfying both mandates and should be revised to reflect district practice.

In addition, Education Code 51101 mandates policy for all districts addressing the manner in which parents/guardians, school staff, and students may share responsibility for continuing the intellectual, physical, emotional, and social development and well-being of students; see BP/AR 5020 - Parent Rights and Responsibilities for language fulfilling this mandate.

**For best practices in implementing parent/guardian and family engagement programs, see the California Department of Education's Family Engagement Framework: A Tool for California School Districts.**

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent/**guardian involvement** in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall ~~work with staff and~~ **consult with** parents/guardians **and family members in the development of** ~~to develop~~ meaningful opportunities ~~at all grade levels~~ for ~~parents/guardians~~ **them** to be involved in district and school activities **at all grade levels**; advisory, decision-making, and advocacy roles; and activities to support learning at home.

(cf. 0420 - School Plans/Site Councils)

~~(cf. 0520.2 - Title I Program Improvement Schools)~~

(cf. 1220 - Citizen Advisory Committees)

(cf. 1230 - School-Connected Organizations)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

(cf. 5020 - Parent Rights and Responsibilities)

~~(cf. 5145.6 - Parental Notifications)~~

**The district's local control and accountability plan shall include goals and strategies for parent/guardian involvement, including district efforts to seek parent/guardian input in**

**PARENT INVOLVEMENT** (continued)

**district and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)**

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

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's **parent/guardian and family engagement involvement** efforts, including, but not limited to, input from parents/guardians, **family members**, and school staff on the adequacy of **parent** involvement opportunities and **on** barriers that may inhibit **parent/guardian** participation.

*(cf. 0500 - Accountability)*

**Title I Schools**

Note: The following section is for use by districts that receive Title I funds. 20 USC 6318 **mandates** that such districts develop, jointly with parents/guardians **and family members** of participating students, a **parent involvement** policy which establishes expectations **and objectives** for **meaningful** parent/**guardian and family** involvement and describes how the district will address specified components. See the accompanying administrative regulation for the required components and optional strategies for addressing each component.

State law (Education Code 11503) **also mandates—reinforces federal law by requiring annual objectives for the parent involvement program and** procedures to ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the Title I parent/**guardian and family engagement involvement** program.

~~Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)~~

*(cf. 6171 Title I Programs)*

~~The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318. (20 USC 6318)~~

**The Superintendent or designee shall involve parents/guardians and family members in establishing district expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the district will carry out each activity listed in 20 USC 6318, as contained**

**PARENT INVOLVEMENT (continued)**

**in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)**

*(cf. 6171 - Title I Programs)*

**Note:** Pursuant to 20 USC 6318, the Board must reserve at least one percent of the district's Title I funding to carry out parent involvement activities, including promotion of family literacy and parenting skills, provided that one percent of the allocation received by the district totals more than \$5,000. At least 95 percent of the reserved funds must be distributed to eligible schools. ~~The following paragraph is for use by districts that receive more than \$500,000 in Title I, Part A funding.~~ Pursuant to 20 USC 6318, the Governing Board must reserve at least one percent of the district's Title I funding to carry out parent/guardian and family engagement involvement activities, including promotion of family literacy and parenting skills, provided that one percent of the allocation received by the district totals more than \$5,000. **As amended by P.L. 114-95, 20 USC 6318 requires that a**At least 95 90 percent of the reserved funds must be distributed to eligible schools, with priority given to "high-need schools" as defined in 20 USC 6631.

**When the district's Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the Board shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities. The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians and family members of participating students in decisions regarding how the district's Title I funds will be allotted for parent/guardian and family engagement involvement activities and shall ensure that priority is given to schools in high poverty areas in accordance with law. (20 USC 6318, 6631)**

*(cf. 3100 - Budget)*

**Note:** As amended by P.L. 114-95, 20 USC 6318 identifies allowable uses of the Title I funds reserved for parent/guardian and family engagement, as provided below. These uses are consistent with the activities that must be addressed in the district's parent/guardian and family engagement policy, as described in the accompanying administrative regulation.

**Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)**

- 1. Support for schools and nonprofit organizations in providing professional development for district and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members**

## PARENT INVOLVEMENT (continued)

2. Support for programs that reach parents/guardians and family members at home, in the community, and at school
3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members
4. Collaboration with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement
5. Any other activities and strategies that the district determines are appropriate and consistent with this policy

Note: In addition to the district level policy described above, 20 USC 6318 requires that each individual school receiving Title I funds have a written parent involvement policy with specified components; see the accompanying administrative regulation.

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/**guardian and family engagement involvement** policy in accordance with 20 USC 6318.

### Non-Title I Schools

Note: The following section is for use by districts that do not receive any Title I funds or that have one or more individual schools that do not receive Title I funds. Education Code 11504 **mandates** the Board to adopt a policy on parent/**guardian** involvement, applicable to each school that does not receive Title I funds, that is consistent with the purposes and goals in Education Code 11502. See the accompanying administrative regulation for information about these goals and sample strategies for addressing each goal.

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

#### *Legal Reference:*

##### EDUCATION CODE

11500-11506 Programs to encourage parent involvement

48985 Notices in languages other than English

51101 Parent rights and responsibilities

**52060-52077 Local control and accountability plan**

*Legal Reference continued: (see next page)*

## PARENT INVOLVEMENT (continued)

### Legal Reference: (continued)

#### EDUCATION CODE (continued)

**54444.1-54444.2 Parent advisory councils, services to migrant children**

**56190-56194 Community advisory committee, special education**

64001 Single plan for student achievement

#### LABOR CODE

230.8 Time off to visit child's school

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

**18275 Child care and development programs, parent involvement and education**

#### UNITED STATES CODE, TITLE 20

6311 ~~Parental notice of teacher qualifications and student achievement~~ **State plan**

6312 Local educational agency plan

6314 Schoolwide programs

~~6316 School improvement~~

6318 Parent ~~involvement~~ **and family engagement**

**6631 Teacher and school leader incentive program, purposes and definitions**

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

### Management Resources:

#### **CSBA PUBLICATIONS**

~~Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006~~

#### **STATE BOARD OF EDUCATION POLICIES**

~~89-01 Parent Involvement in the Education of Their Children, rev. 1994~~

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**Title I School-Level Parental Involvement Policy**

**Family Engagement Framework: A Tool for California School Districts, 2014**

#### **U.S. DEPARTMENT OF EDUCATION PUBLICATIONS NON-REGULATORY GUIDANCE**

~~Parental Involvement: Title I, Part A, Non-Regulatory Guidance, April 23, 2004~~

#### WEB SITES

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

California Department of Education, Family, School, Community Partnerships:

<http://www.cde.ca.gov/ls/pf>

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

~~No Child Left Behind: <http://www.ed.gov/nclb>~~

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

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

# CSBA Sample Administrative Regulation

Instruction

AR 6020(a)

## PARENT INVOLVEMENT

Note: The following administrative regulation contains parent/guardian and family engagement involvement strategies that meet legal requirements applicable to districts and schools receiving federal Title I funds and those that do not receive Title I funds. The district should use and adapt the section(s) applicable to its circumstances. If desired, the district may develop one set of strategies applicable to all schools, provided that all the provisions required by law for both types of schools are included.

### District Strategies for Title I Schools

Note: The following section is for use by districts that receive Title I, Part A, funds. 20 USC 6318, as amended by the Every Student Succeeds Act (P.L. 114-95), mandates that such districts develop a policy that describes the means by which the district will address the components specified in items #1-6 below. Under each required component, below are optional strategies for addressing the component, which should be modified to reflect the specific strategies jointly developed by the district and the the district should list specific strategies, developed jointly with parents/guardians and family members of participating students, that describe how it will address the component. In the state's Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district has identified such strategies.

To ensure that parents/guardians and family members of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee district shall:

Note: Pursuant to 20 USC 6318, districts must involve parents/guardians and family members in the development of the Title I local educational agency (LEA) plan described in 20 USC 6312; also see BP 6171 - Title I Programs. In California, all the requirements of the LEA plan are addressed in an addendum to the local control and accountability plan (LCAP). See BP 0460 - Local Control and Accountability Plan for further information about the development of the LCAP, including requirements for consultation with parents/guardians and other stakeholders and for the establishment of a parent advisory committee and English learner parent advisory committee.

1. Involve parents/guardians of participating students and family members in the joint development of the Title I local educational agency (LEA) plan pursuant to a district plan that meets the requirements of 20 USC 6312 and in the process of school review and improvement pursuant to 20 USC 6316 development of school support and improvement plans pursuant to 20 USC 6311 (20 USC 6318)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 6171 - Title I Programs)

Note: Items #a-f below are optional and should be revised to reflect strategies jointly developed by district staff and parents/guardians of participating students.

**PARENT INVOLVEMENT** (continued)

The Superintendent or designee may:

- a. **In accordance with Education Code 52063, e**Establish a district-level **parent advisory** committee ~~including parent/guardian representatives from each school site and, as applicable, an English learner parent advisory committee~~ to review and comment on the **LEA** plan in accordance with the review schedule established by the Governing Board
- b. Invite input on the **LEA** plan from other district committees and school site councils

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

- c. Communicate with parents/guardians through the district newsletter, web site, or other methods regarding the **LEA** plan and the opportunity to provide input
  - d. Provide copies of working drafts of the **LEA** plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand
  - e. Ensure that there is an opportunity at a public Board meeting for public comment on the **LEA** plan prior to the Board's approval of the plan or revisions to the plan
  - f. Ensure that school-level policies on parent/**guardian and family engagement involvement**—address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans
2. Provide coordination, technical assistance, and other support necessary to assist **and build the capacity of** Title I schools in planning and implementing effective parent/**guardian and family engagement involvement** activities to improve student academic achievement and school performance, **which may include meaningful consultation with employers, business leaders, and philanthropic organizations or individuals with expertise in effectively engaging parents/guardians and family members in education** (20 USC 6318)

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

Note: <del>Items #2a-d below are optional and should be revised to reflect strategies jointly developed by district staff and parents/guardians of participating students.</del>
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**The Superintendent or designee may:**

**PARENT INVOLVEMENT** (continued)

- a. Assign person(s) in the district office to serve as a liaison to the schools regarding Title I parent involvement issues
  - b. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities
  - c. Provide ongoing district level workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops
  - d. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC 6318)

Note: 20 USC 6318 <b>mandates</b> that the district's policy or regulation include items #2a-f below. The district may expand these items to describe methods the district will use to carry out each activity.
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The Superintendent or designee shall: (20 USC 6318)

- a. Assist parents/guardians in understanding such topics as the **challenging** state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)  
(cf. 6162.51 - State Academic Achievement Tests)  
(cf. 6162.52 - High School Exit Examination)

- b. Provide **parents/guardians with** materials and training, such as literacy training and using technology (**including education about the harms of copyright piracy**), as appropriate, to help **parents/guardians them** work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement
- c. With the assistance of parents/guardians, **educate** teachers, **student services** **specialized instructional support** personnel, principals **and other school**



**PARENT INVOLVEMENT** (continued)

**leaders**, and other staff, ~~with the assistance of parents/guardians~~, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~Note: The district may revise item #d below to specify programs offered by the district.~~

- d. To the extent feasible and appropriate, coordinate and integrate parent/**guardian** involvement programs and activities with **other federal, state, and local programs, including public preschool programs, Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs**, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in **more** fully participating in their children's education
- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent/**guardian** involvement activities as parents/guardians may request

Note: Although not mandated to be included in the district's policy or regulation, item #2g reflects a legal requirement in 20 USC 6318(g) to inform parents/guardians about the existence of parent information and resource centers in the state that work with Title I schools, districts, and parents/guardians. See the management resources in the accompanying Board policy for resources that can help districts locate the centers closest to them.

- g. Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

Note: Items #2a-~~pt~~ below are **optional** and should be revised to reflect ~~strategies jointly developed by district staff and parents/guardians of participating students~~ **district practice**. Items #a2-h are authorized, but not required, by 20 USC 6318.

**PARENT INVOLVEMENT** (continued)

In addition, the Superintendent or designee may:

- a. Involve parents/guardians in the development of training for teachers, principals, and other educators to improve the effectiveness of such training
- b. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training
- c. Pay reasonable and necessary expenses associated with parent/guardian involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions
- d. Train parents/guardians to enhance the involvement of other parents/guardians
- e. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students, **in order to maximize parent/guardian involvement and participation**
- f. Adopt and implement model approaches to improving parent/guardian involvement
- g. Establish a districtwide parent advisory council to provide advice on all matters related to parent/guardian involvement in Title I programs
- h. Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities
- i. Make referrals to community agencies and organizations that offer literacy training, parent/guardian education programs, and/or other services that help to improve the conditions of parents/guardians and families

*(cf. 1020 - Youth Services)*

- j. Provide a master calendar of district activities and district meetings
- k. Provide information about opportunities for parent/guardian and family **engagement involvement** through the district newsletter, web site, or other written or electronic means

**PARENT INVOLVEMENT** (continued)

- l. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions

*(cf. 1230 - School-Connected Organizations)*

- m. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians **and family members** as needed
- n. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions
- e.o.** Provide ongoing district-level workshops to assist school site staff, and parents/guardians, **and family members** in planning and implementing improvement strategies, and seek **their** input ~~from parents/guardians~~ in developing the workshops
- b.p.** Provide training for the principal or designee of each participating school regarding Title I requirements for parent/**guardian and family engagement involvement**, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of ~~parent involvement~~ **related activities**
- e.q.** Regularly evaluate the effectiveness of staff development activities related to parent/**guardian and family engagement involvement**
- p.r.** Include expectations for parent/guardian outreach and involvement in staff job descriptions and evaluations

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4215 - Evaluation/Supervision)*

*(cf. 4315 - Evaluation/Supervision)*

- a.s.** Assign ~~person(s) in the district office~~ **district personnel** to serve as a liaison to the schools regarding Title I parent/**guardian and family engagement involvement** issues
- d.t.** Provide information to schools about the indicators and assessment tools that will be used to monitor progress

<b>Note:</b> The district may revise item #4 below to specify programs offered by the district.
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**PARENT INVOLVEMENT** (continued)

- 4. 3.** To the extent feasible and appropriate, coordinate and integrate Title I parent/guardian and family engagement involvement strategies with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Program for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs—parent/guardian and family engagement strategies of other relevant federal, state, and local programs and ensure consistency with federal, state, and local laws (20 USC 6318)

*(cf. 5148.3 - Preschool/Early Childhood Education)*

Note: Items #a d below are optional and should be revised to reflect strategies jointly developed by district staff and parents/guardians of participating students.

The Superintendent or designee may:

- a. Identify overlapping or similar program requirements

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

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

*(cf. 3280 - Sale or Lease of District-Owned Real Property)*

*(cf. 5030 - Student Wellness)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

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

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

- b. Involve district and school site representatives from other programs to assist in identifying specific population needs
- c. Schedule joint meetings with representatives from related programs and share data and information across programs
- d. Develop a cohesive, coordinated plan focused on student needs and shared goals

- 5. 4.** Conduct, with meaningful involvement of parents/guardians and family members, an annual evaluation of the content and effectiveness of the parent/guardian and family engagement involvement policy in improving the academic quality of the schools served by Title I, including identification of: (20 USC 6318)

Note: 20 USC 6318 mandates that the district's policy or regulation include items #a b below. The district may expand these items to describe methods the district will use to carry out each activity.

**PARENT INVOLVEMENT** (continued)

~~The Superintendent or designee shall:~~

- a. ~~Ensure that the evaluation include the identification of b~~Barriers to greater participation in parent/**guardian and family engagement** involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background ~~(20 USC 6318)~~
- b. **The needs of parents/guardians and family members, so they can better assist with their children's learning and engage with school personnel and teachers**
- c. **Strategies to support successful school and family interactions**

*(cf. 0500 - Accountability)*

Note: Although **it is** not mandated to be included in the district's policy or regulation, ~~item #c below the following paragraph~~ reflects a legal requirement of Education Code 11503 pertaining to evaluation of the district's parent/**guardian** involvement efforts.

- ~~c. —~~ Assess the district's progress in meeting annual objectives for the parent involvement program; **The Superintendent or designee shall** notify parents/guardians of this review and assessment through regular school communications mechanisms; and **shall** provide a copy of the assessment to parents/guardians upon their request. (Education Code 11503)
- b. — Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)

Note: ~~Although not mandated to be included in the district's policy or regulation, item #c below reflects a legal requirement of Education Code 11503 pertaining to evaluation of the district's parent involvement efforts.~~

- ~~c. —~~ Assess the district's progress in meeting annual objectives for the parent involvement program, **notify** parents/guardians of this review and assessment through regular school communications mechanisms, and **provide a copy to** parents/guardians upon their request (Education Code 11503)

Note: ~~Items #a c below are optional and should be revised to reflect strategies jointly developed by district staff and parents/guardians of participating students.~~

The Superintendent or designee may:

**PARENT INVOLVEMENT** (continued)

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications
  - b. Gather and monitor data regarding the number of parents/guardians **and family members** participating in district activities and the types of activities in which they are engaged
  - c. Recommend to the Board measures to evaluate the impact of the district's parent/**guardian and family engagement involvement** efforts on student achievement
- b. 5.** Use the **evaluation results findings of the evaluation conducted pursuant to item #4 above** to design **evidence-based** strategies for more effective parent/**guardian and family** involvement and, if necessary, to **recommend changes in revise** the parent/**guardian and family engagement involvement** policy (20 USC 6318)
6. Involve parents/guardians in the activities of schools served by Title I, **which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents/guardians or family members served by the district to adequately represent the needs of the population served by the district for the purposes of developing, revising, and reviewing the parent/guardian and family engagement policy** (20 USC 6318)

Note: Items #a-c below are **optional** and should be revised to reflect strategies jointly developed by district staff and parents/guardians of participating students.

The Superintendent or designee may:

- a. Include information about school activities in district communications to parents/guardians **and family members**
- b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians **and family members with special needs**
- c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

Note: Pursuant to 20 USC 6318, the district's parent/**guardian and family engagement involvement** policy must be incorporated into the district's Title I **local educational agency LEA** plan. See BP/AR-6171 **Title I Programs for language regarding the plan's development. In California, all the requirements of the LEA plan are addressed in an addendum to the local control and accountability plan (LCAP). See BP 0460 - Local Control and Accountability Plan.**

## PARENT INVOLVEMENT (continued)

The district's Board policy and administrative regulation containing parent/**guardian and family engagement involvement** strategies shall be incorporated into the **LEA plan district's local control and accountability plan in accordance with 20 USC 6312** and **shall be** distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

(cf. 5145.6 - Parental Notifications)

### School-Level Policies for Title I Schools

Note: The following section is for use by districts that receive federal Title I, Part A funds. 20 USC 6318, **as amended by P.L. 114-95**, mandates that each individual school receiving Title I funds have a written parent/**guardian and family engagement involvement** policy, developed jointly with and agreed upon by parents/guardians **and family members** of participating students, that describes the means for carrying out the requirements of 20 USC 6318(c) through (f), reflected in items #1-8 below. The following section lists the required components but does not include specific strategies which should be added by each school. **Schools may also use a template available on the web site of the California Department of Education, Title I School-Level Parental Involvement Policy, to develop the school-level policy.**

At each school receiving Title I funds, a written policy on parent/**guardian and family engagement involvement** shall be developed jointly with ~~and agreed upon by the~~ parents/guardians **and family members** of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent/**guardian** involvement

Note: As provided in item #3 below, 20 USC 6318 requires parent/guardian involvement in the development of the comprehensive plan required by 20 USC 6314 for schoolwide programs. Under state law (Education Code 64001), this plan must be incorporated into the single plan for student achievement covering all categorical programs in the state's consolidated application; see AR 6171 - Title I Programs and BP/AR 0420 - School Plans/Site Councils for further information about the development of this plan.

3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent/**guardian and family engagement involvement** policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

**PARENT INVOLVEMENT** (continued)

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
  - a. Timely information about Title I programs
  - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and ~~the proficiency levels students are expected to meet~~ **the achievement levels of the challenging state academic standards**

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

(cf. 5123 - Promotion/Acceleration/Retention)

- c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district

Note: 20 USC 6318 requires Title I schools to develop a school-parent compact as provided in item #6 below. U.S. Department of Education non-regulatory guidance, Parental Involvement: Title I, Part A, provides a sample template that schools may use in the development of the school-parent compact.

6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's **student challenging** academic achievement standards



**PARENT INVOLVEMENT** (continued)

- b. Ways in which parents/guardians will be responsible for supporting their children's learning, **such as monitoring attendance, homework completion, and television viewing;** volunteering in the classroom, and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time

*(cf. 1240 - Volunteer Assistance)*

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

*(cf. 5113 - Absences and Excuses)*

*(cf. 6145 - Extracurricular/Cocurricular Activities)*

*(cf. 6154 - Homework/Makeup Work)*

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:

- (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
- (2) Frequent reports to parents/guardians on their children's progress
- (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
- (4) Regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand**

- 7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the **required** activities described in ~~items #3a-h~~ **item #2** in the section "District Strategies for Title I Schools" above

- 8. To the extent practicable, provide ~~full~~ opportunities for the **informed** participation of parents/guardians **and family members (including parents/guardians and family members** with limited English proficiency, parents/guardians **and family members** with disabilities, and parents/guardians **and family members** of migrant children), including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

**PARENT INVOLVEMENT** (continued)

Each school's parent/**guardian and family engagement involvement** policy shall be made available to the local community. **Parents/guardians shall be notified of the policy and distributed to parents/guardians of participating students** in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

Note: The following paragraph is **optional**. Education Code 64001 requires that the single plan for student achievement covering the categorical programs in the state's consolidated application, including Title I schoolwide programs, be annually reviewed by the school site council and submitted to the Board for approval; see BP/AR 0420 - School Plans/Site Councils.

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent/**guardian and family engagement involvement** policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code 64001.

~~The principal or designee, jointly with parents/guardians of participating students, The school's policy~~ shall **be** periodically updated ~~the school's policy~~ to meet the changing needs of parents/guardians and the school. (20 USC 6318)

**District Strategies for Non-Title I Schools**

Note: The following section is for use by districts that do not receive any Title I funds or that have one or more individual schools that do not receive Title I funds. Education Code 11504 **mandates** the Board to adopt a policy on parent/**guardian** involvement, applicable to each school that does not receive Title I funds, that is consistent with the purposes and goals in Education Code 11502 as reflected in items #1-5 below. Subitems under items #1-5 are **optional** strategies for carrying out the legal requirement and should be revised to reflect district practice.

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society (Education Code 11502, 11504)

**Note: Items #a-c below are optional and should be revised to reflect district practice.**

The Superintendent or designee may:

- a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education

**PARENT INVOLVEMENT** (continued)

- b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter
  - c. Provide parents/guardians with information about students' class assignments and homework assignments
2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code 11502, 11504)

Note: Items #a b below are **optional** and should be revised to reflect district practice.

The Superintendent or designee may:

- a. Provide parents/guardians with information regarding ways to create an effective study environment **for their children** at home and to encourage good study habits
  - b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing
  - c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees
3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities (Education Code 11502, 11504)

Note: Items #a g below are **optional** and should be revised to reflect district practice.

The Superintendent or designee may:

- a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
- b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom

**PARENT INVOLVEMENT** (continued)

- c. Provide information about parent/**guardian and family engagement involvement** opportunities through district, school, and/or class newsletters, the district's web site, and other written or electronic communications
  - d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
  - e. Develop mechanisms to encourage parent/guardian input on district and school issues
  - f. Identify barriers to parent/guardian **and family** participation in school activities, including parents/guardians **and family members** who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
  - g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care
4. Train teachers and administrators to communicate effectively with parents/guardians (Education Code 11502, 11504)

**Note: Items #a b below are optional and should be revised to reflect district practice.**

The Superintendent or designee may:

- a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy
  - b. Invite input from parents/guardians regarding the content of staff development activities pertaining to home-school communications
5. Integrate parent/**guardian and family engagement involvement** programs into school plans for academic accountability

**Note: Items #a b below are optional and should be revised to reflect district practice.**

The Superintendent or designee may:

**PARENT INVOLVEMENT** (continued)

- a. Include parent/**guardian and family engagement** ~~involvement~~ strategies in school reform or school improvement initiatives
- b. Involve parents/guardians **and family members** in school planning processes

# CSBA Sample Administrative Regulation

## Instruction

AR 6112(a)

## SCHOOL DAY

Note: The following **optional** administrative regulation specifies minimum and maximum school days for each grade level as provided by law. The district may revise this regulation to reflect district practice.

Pursuant to Education Code 46114, the minimum school day in grades K-8 may be computed by determining the average number of minutes over 10 consecutive school days (i.e., the number of minutes of attendance in any 10 consecutive school days, divided by 10). Education Code 46142 authorizes the minimum school day in junior high and high schools to be computed by averaging the number of minutes over two consecutive school days. The district will be in compliance if the average is at least the minimum day required by law, even if the number of minutes in any one school day is less than the minimum required school day specified below. However, Education Code 46114 and 46142 provide that no single school day may be less than 60 minutes for kindergarten, 170 minutes for grades 1-3, or 180 minutes for grades 4-12.

Education Code 46201 and 46207 require districts that have reached their local control funding formula (LCFF) funding target, as well as districts that received longer day or longer year funding prior to the implementation of the LCFF, to offer at least the following instructional minutes per school year: 36,000 minutes for kindergarten, 50,400 for grades 1-3, 54,000 for grades 4-8, and 64,800 for grades 9-12. Pursuant to Education Code 46201 and 46207, if this requirement is not met for any grade level, a portion of the district's LCFF allocation will be withheld.

## Kindergarten/Transitional Kindergarten

Note: The following section is for use by districts that maintain kindergarten and transitional kindergarten (TK) classes. Education Code 37202, as amended by AB 99 (Ch. 15, Statutes of 2017), permits districts to maintain kindergarten or TK classes for different lengths of time during the school day, either at the same or different school sites. Districts offering kindergarten or TK classes for different lengths of time are still required to meet the minimum and maximum length of school day described below.

Kindergarten and transitional kindergarten (TK) classes in district schools may be maintained for different lengths of time, either at the same or different school sites. (Education Code 37202)

Note: ~~The following section is for use by districts that maintain kindergarten classes.~~ Education Code 46117 establishes a minimum school day of three hours (180 minutes) for kindergarten students ~~as provided below~~. However, pursuant to Education Code 46119, if a district has ~~less than a total of fewer than~~ 40 kindergarten students, the Governing Board may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, including recesses, taught on the same day by the same teacher.

Except as otherwise ~~provided~~ **permitted** by law, the average school day established for kindergarten **and TK** students shall be at least three hours, including recesses but excluding noon intermissions, but no longer than four hours, excluding recesses. (Education Code 46111, 46114, 46115, 46117)

**SCHOOL DAY** (continued)

Note: The following paragraph is **optional**. Although Education Code 46111 provides that recess shall be excluded from determining the maximum school day, it is the interpretation of the California Department of Education (CDE) that recess time may be counted as instructional minutes, at the district's discretion, if teacher supervision occurs.

Recess may be counted as instructional minutes for purposes of determining the maximum school day if **it occurs under** teacher supervision ~~occurs~~.

Note: The following **optional** paragraph is for use by districts that maintain multitrack year-round schools pursuant to Education Code 37670(a).

In any multitrack year-round school operating pursuant to Education Code 37670(a), the kindergarten school day may be up to 265 minutes, excluding recesses. (Education Code 46111)

(cf. 6117 - Year-Round Schedules)

Note: The following **optional** paragraph is for use by districts that have established an early primary program pursuant to Education Code 8970-8974 in order to provide an integrated, experiential, and developmentally appropriate educational program with specified components for students in prekindergarten through grade 3. Education Code 8973 provides that the kindergarten school day in such programs may exceed four hours under the conditions described below, although districts do not receive additional apportionment funds.

In any district school operating an early primary program pursuant to Education Code 8970-8974, the kindergarten school day may exceed four hours, excluding recess, if both of the following conditions are met: (Education Code 8973)

1. The Governing Board has declared that the extended-day kindergarten program does not exceed the length of the primary school day.
2. The extended-day kindergarten program includes ample opportunity for both active and quiet activities within an integrated, experiential, and developmentally appropriate educational program.

**Note: Pursuant to Education Code 48003, districts are required to provide an annual report to the CDE regarding the type of kindergarten program offered by the district, including part day, full day, or both, by completing the School Information Form 2017 located on the CDE web site. The form also includes the type(s) of TK program offered.**

**The Superintendent or designee shall annually report to the California Department of Education as to whether the district's kindergarten and TK programs are offered full day, part day, or both. (Education Code 48003)**

## **SCHOOL DAY** (continued)

### **Grades 1-8**

Note: The following section is for use by districts that maintain any of grades 1-8 and should be modified to reflect the grade levels offered by the district.

Except as otherwise provided by law, the school day for elementary and middle school students shall be:

1. At least 230 minutes for students in grades 1-3, unless the Board has prescribed a shorter school day because of lack of school facilities requiring double sessions, in which case the minimum school day shall be 200 minutes; (Education Code 46112, 46142)
2. At least 240 minutes for students in grades 4-8 (Education Code 46113, 46142)

In determining the number of minutes for purposes of compliance with the minimum school day for students in grades 1-8, both noon intermissions and recesses shall be excluded. (Education Code 46115)

### **Grades 9-12**

Note: The following section is for use by districts that maintain any of grades 9-12 and may be modified to reflect the grade levels offered by the district.

The school day for students in grades 9-12 shall be at least 240 minutes. (Education Code 46141, 46142)

Note: The following list should be revised to reflect programs offered by the district.

However, the school day may be less than 240 minutes when authorized by law. Programs that have a minimum school day of 180 minutes include, but are not necessarily limited to:

1. Continuation high school or classes (Education Code 46141, 46170)
2. Opportunity school or classes (Education Code 46141, 46180)
3. Regional occupational center (Education Code 46141, 52325)

(cf. 6178.2 - Regional Occupational Center/Program)



**SCHOOL DAY** (continued)

4. Work experience education program approved pursuant to Education Code 51760-51769.5 (Education Code 46141, 46144)

A student in grade 12 who is enrolled in work experience education and is in his/her last semester or quarter before graduation may be permitted to attend school for less than 180 minutes per school day if he/she would complete all requirements for graduation, except physical education courses, in less than 180 minutes each day. (Education Code 46147)

*(cf. 6178.1 - Work-Based Learning)*

5. Concurrent enrollment in a community college pursuant to Education Code 48800-48802 or, for students in grades 11-12, part-time enrollment in classes of the California State University or University of California, provided academic credit will be awarded upon satisfactory completion of enrolled courses (Education Code 46146)

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

Note: SB 1316 (Ch. 67, 2012) amended Education Code 46141 and added Education Code 46146.5 to exempt early college high schools and middle college high schools from the 240 minute minimum school day requirement under the circumstances described in item #6 below.

6. An early college high school or middle college high school, provided the students are enrolled in community college or college classes in accordance with item #5 above (Education Code 46141, 46146.5)
7. Special day or Saturday vocational training program conducted under a federally approved plan for career technical education (Education Code 46141, 46144)

*(cf. 6178 - Career Technical Education)*

8. Adult education classes (Education Code 46190)

*(cf. 6200 - Adult Education)*

Note: The following **optional** paragraph is for use by districts that operate an evening high school pursuant to Education Code 51720-51724.

For an evening high school operated pursuant to Education Code 51720-51724, the number of days, specific days of the week, and number of hours during which the program shall be in session **shall may** be determined by the Board. (Education Code 46141, 51721)

**SCHOOL DAY** (continued)

Students in grade 12 shall be enrolled in at least five courses each semester or the equivalent number of courses each quarter. This requirement shall not apply to students enrolled in regional occupational centers or programs, courses at accredited postsecondary institutions, independent study, special education programs in which the student's individualized education program establishes a different number of courses, continuation education classes, work experience education programs, or any other course of study authorized by the Board that is equivalent to the approved high school course of study. (Education Code 46145)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

**Alternative Block Schedule for Secondary Schools**

Note: The following **optional** section is for use by districts that choose to create a block schedule pursuant to Education Code 46160-46162; see the accompanying Board policy. In establishing a block schedule, the district should be aware of state law (Education Code 51222) that requires secondary students to attend physical education courses for at least 400 minutes each 10 school days; see AR 6142.7 - Physical Education and Activity. Although the daily alternating block schedule, often referred to as the A/B block schedule, does fulfill the requirement for physical education minutes, other block schedules do not and thus require a waiver from the State Board of Education (SBE). See SBE Waiver Policy #99-03 for waiver criteria.

In order to establish a block or other alternative schedule or to accommodate career technical education and regional occupational center/program courses, the district may authorize students to attend fewer than the total number of days in which school is in session provided that students attend classes for at least 1,200 minutes during any five school day period or 2,400 minutes during any 10 school day period. (Education Code 46160)

**Note: The following optional paragraph is for use by districts that maintain an early college high school or middle college high school. Pursuant to Education Code 46160, as amended by AB 99 (Ch. 15, Statutes of 2017), such districts may schedule classes in these schools so that students who satisfy the provisions of Education Code 46146.5 in regard to part-time enrollment at community college, the California State University, or the University of California attend classes for at least 900 minutes during any five-school day period or 1,800 minutes during any 10-school day period.**

**An early college high school or middle college high school may be scheduled so that students attend classes for at least 900 minutes during any five-school day period or 1,800 minutes during any 10-school day period. (Education Code 46160)**

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# CSBA Sample

## Board Policy

### Instruction

BP 6170.1(a)

### TRANSITIONAL KINDERGARTEN

Note: The following policy is for use by districts that maintain kindergarten and may be revised to reflect district practice. Education Code 48000 provides that children are eligible for kindergarten enrollment if they have their fifth birthday on or before September 1 in that school year; see AR 5111 - Admission. Pursuant to Education Code 48000, any child whose birthday is between September 2 and December 2 must be offered a transitional kindergarten (TK) program.

Education Code 48000 defines TK as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Many of the requirements applicable to kindergarten (e.g., class size, minimum school day, facilities) are also applicable to TK. The district will receive **funding based on** average daily attendance (ADA) for students in a TK program that meets the requirements specified in Education Code 48000.

For guidance on implementing TK programs, see the Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, published by the California Department of Education (CDE).

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The **TK** program shall assist **TK children students** in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in **program—the** development, implementation, and evaluation **of the district's TK program**.

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

### Eligibility

~~Note: Pursuant to Education Code 48200, each person between the ages of 6 and 18 years is subject to compulsory full time education, unless otherwise exempted by law. Thus, parents/guardians are not required to enroll children in TK or kindergarten but, if they do so, are subject to the age criteria specified below.~~

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Note: The CDE's "Transitional Kindergarten FAQs" clarify that children are required to have documentation of required immunizations or a valid exemption prior to admission to TK. For information about required immunizations and exemptions, see BP/AR 5141.31 - Immunizations.

## TRANSITIONAL KINDERGARTEN (continued)

Parents/guardians of eligible children shall be notified of the availability of the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Note: The following paragraph is **optional**. If the district chooses to allow kindergarten-eligible children to enroll in the TK program, CDE recommends that the district establish criteria to determine selection requirements. The parent/guardian of a kindergarten-eligible child who is enrolled in TK must, at the end of the year, sign a Kindergarten Continuance Form verifying that he/she agrees to have the child continue in kindergarten the following year; see section "Continuation in Kindergarten" below.

Upon request of a child's parents/guardians, the district may, on a case-by-case basis after the Superintendent or designee determines that it is in the child's best interest, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten.

Note: The following paragraph is **optional**. Pursuant to Education Code 48000, ~~as amended by AB 104 (Ch. 13, Statutes of 2015)~~, the district may, at its discretion, determine whether to allow admittance of children whose fifth birthday is after December 2. Such students may be admitted at any time during the school year, including at the beginning of the year. **Education Code 48000 provides that districts will not receive ADA apportionment for a child whose birthday is after December 2 until the child reaches his/her fifth birthday.**

~~The district may, at any time during the school year,~~ **the district may** admit into the TK program a child whose fifth birthday is after December 2 of that same school year, provided that the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest **and the child's parents/guardians approve**. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

## Curriculum and Instruction

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

(cf. 6141 - Curriculum Development and Evaluation)

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

**TRANSITIONAL KINDERGARTEN** (continued)

Note: ~~As amended by SB 858 (Ch. 32, Statutes of 2014),~~ Education Code 48000 states the Legislature's intent that the TK curriculum be aligned to the California Preschool Learning Foundations developed by the CDE. These standards address essential skills in the subject areas listed below. The standards and companion preschool curriculum frameworks are available on CDE's web site.

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education. It shall be designed to facilitate students' development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 37202, **as amended by AB 99 (Ch. 15, Statutes of 2017), permits districts to maintain TK and kindergarten classes for different lengths of time during the school day, either at the same or a different school site. Districts offering TK classes for different lengths of time are still required to meet the minimum and maximum length of school day provided in law.** ~~requires that all elementary schools in the district be maintained for an equal length of time during the school year. In its "Transitional Kindergarten FAQs," the CDE has interpreted this to mean that the district's annual instructional minutes offered to TK students should be the same as the number of instructional minutes offered to kindergarten students, as reflected in its annual audit.~~ Pursuant to Education Code 46111 and 46117, at the kindergarten **and TK** level the minimum school day is three hours (180 minutes), **including recess but excluding noon intermission**, and the maximum school day is four hours (240 minutes), **excluding recess**, unless the district has adopted an extended-day kindergarten pursuant to Education Code 8973. However, pursuant to Education Code 46119, if the district has fewer than 40 kindergarten students, **the Governing Board** ~~it~~ may apply to the Superintendent of Public Instruction to maintain two kindergarten classes of 150 minutes each, **including recesses**, taught on the same day by the same teacher. Also see AR 6112 - School Day.

**Pursuant to Education Code 48003, districts are required to provide an annual report to the CDE regarding the type of kindergarten program offered by the district, including part day, full day, or both. The School Information Form 2017, located on the CDE web site, requires a report on the type of TK program offered.**

The Board shall ~~fix~~ **establish** the length(s) of the school day in the district's TK program, ~~which~~ **TK programs may be maintained for different lengths of time either at the same or different school sites, as long as the school day is** ~~shall be~~ at least three hours but no more than four hours. **The Superintendent or designee shall annually report to the California Department of Education as to whether the district's TK programs are offered full day, part day, or both. (Education Code 37202, 46111, 46117, 48003)**

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

## TRANSITIONAL KINDERGARTEN (continued)

Note: The following **optional** paragraph may be revised to reflect district practice. According to the CDE's "Transitional Kindergarten FAQs," it is the intent of the law to provide separate and unique experiences for TK and kindergarten students. However, districts have flexibility to determine how best to meet the curricular needs of each child and whether TK and kindergarten students may be enrolled in the same classrooms.

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

### Staffing

Note: To be qualified to teach a TK class, the teacher must possess an appropriate multiple subjects or early childhood education credential issued by the Commission on Teacher Credentialing (CTC) authorizing instruction in TK. ~~As amended by SB 876 (Ch. 687, Statutes of 2014),~~ Education Code 48000 establishes additional requirements for credentialed teachers who are first assigned to a TK class after July 1, 2015, as provided below.

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9.

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

*(cf. 4112.2 - Certification)*

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2020, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.

*(cf. 4131 - Staff Development)*

### Continuation to Kindergarten

Note: The following section is consistent with guidance in the CDE's "Transitional Kindergarten FAQs."

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

## **TRANSITIONAL KINDERGARTEN (continued)**

Note: The following **optional** paragraph is for use by districts that allow kindergarten-eligible children to enroll in TK; see "Eligibility" section above. When such students are subsequently enrolled in kindergarten, the district is required to obtain a signed Kindergarten Continuance Form in order to receive kindergarten ADA for those children since they would otherwise be age-eligible for first grade. CDE recommends that approval for a student to continue in kindergarten not be sought until near the end of the year of TK, since permission obtained unreasonably far in advance could be found invalid.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

Note: Pursuant to Education Code 46300, the district may not include for ADA purposes the attendance of any student for more than two years in a combination of TK and kindergarten.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

*(cf. 5123 - Promotion/Acceleration/Retention)*

### **Assessment**

Note: The following section may be revised to reflect district practice. One assessment resource for TK students is the CDE's Desired Results Developmental Profile, which is designed to assess the developmental progression of all children from early infancy to kindergarten entry.

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

*(cf. 0500 - Accountability)*  
*(cf. 6162.5 - Student Assessment)*

*Legal Reference: (see next page)*

## TRANSITIONAL KINDERGARTEN (continued)

### *Legal Reference:*

#### EDUCATION CODE

- 8973 *Extended-day kindergarten*
- 37202 *School calendar; equivalency of instructional minutes*
- 44258.9 *Assignment monitoring by county superintendent of schools*
- 46111 *Kindergarten, hours of attendance*
- 46114-46119 *Minimum school day, kindergarten*
- 46300 *Computation of ADA, inclusion of kindergarten and transitional kindergarten*
- 48000 *Age of admission, kindergarten and transitional kindergarten*
- 48002 *Evidence of minimum age required to enter kindergarten or first grade*
- 48003 *Kindergarten annual report***
- 48200 *Compulsory education, starting at age six*

### *Management Resources:*

#### **CSBA PUBLICATIONS**

**What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Transitional Kindergarten FAQs

Desired Results Developmental Profile, 2015

Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

#### WEB SITES

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

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

California Kindergarten Association: <http://www.ckanet.org>

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

Transitional Kindergarten California: <http://www.tkcalifornia.org>

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# CSBA Sample

## Board Policy

Instruction

BP 6173.2(a)

### EDUCATION OF CHILDREN OF MILITARY FAMILIES

Note: Pursuant to Education Code 49700-49704, as added by AB 343 (Ch. 237, Statutes of 2009), the Interstate Compact on Educational Opportunity for Military Children is applicable to California school districts from January 1, 2010 through January 1, 2013, unless extended by the Legislature. Education Code 49700-49701 establish uniform means of assisting children of "active duty military families" transferred into or out of California by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians. Among other things, Education Code 49701 requires that districts be flexible in applying their local rules to such students in order to facilitate their enrollment, placement, advancement, eligibility for extracurricular activities, and on time graduation. The following optional policy is optional and may be revised to reflect district practice.

The Governing Board recognizes the challenges to the academic success of that children of military families face challenges to their academic success caused by the frequent moves or deployments of their parents/guardians in fulfillment of military service. In accordance with law, the district shall provide such students with academic resources, services, and opportunities for extracurricular and enrichment activities that are available to all district students.

(cf. 5125 - Student Records)

(cf. 6011 - Academic Standards)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6179 - Supplemental Instruction)

Note: Education Code 49700 encourages districts to facilitate the placement of children of military families so that they are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment. Pursuant to Education Code 49700-49704, the Interstate Compact on Educational Opportunity for Military Children is applicable to California school districts. Education Code 49700-49701 establish uniform means of assisting children of military families, as defined in the accompanying administrative regulation, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians. Among other things, Education Code 49701 requires that districts be flexible in applying certain local rules to such students in order to facilitate their enrollment, placement, advancement, eligibility for extracurricular activities, and on-time graduation.

In making decisions about children of military families, including decisions regarding their enrollment, placement, eligibility for extracurricular activities, or waiver of any graduation requirement, the Superintendent or designee shall be flexible to the extent permitted by law and district policy. The Superintendent or designee may waive district policies or rules when necessary to facilitate the enrollment, placement, advancement, eligibility for extracurricular activities, or on-time graduation of children of military families, in accordance with the Interstate Compact on Educational Opportunity for Military Children as ratified in Education Code 49700-49704.

## EDUCATION OF CHILDREN OF MILITARY FAMILIES (continued)

(cf. 5117 - Interdistrict Attendance)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.3 - Reciprocity of Academic Credit)

**Note: The following optional paragraph reflects a recommendation in the California Department of Education's (CDE) Final Report to the Legislature on the Interstate Compact on Educational Opportunity for Military Children.**

**The Superintendent or designee shall provide information and/or training to administrators, other appropriate district staff, and military families regarding the provisions of the Interstate Compact and the educational rights of children of military families.**

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5020 - Parent Rights and Responsibilities)

**Note: The following optional paragraph may be revised to reflect district practice. Each branch of the military appoints school liaison officers or comparable positions to serve as the primary point of contact for school-related matters. Their duties include coordinating with local school systems and assisting military families with school issues.**

The Superintendent or designee shall **work collaborate** with parents/guardians, **and shall collaborate with school liaison officers from military installations, and/or local, state, and** other agencies within and outside the state to facilitate the transition of children of military families into and out of the district.

(cf. 1020 - Youth Services)

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

(cf. 6020 - Parent Involvement)

**Note: The following paragraph may be revised to reflect district practice. Pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (P.L. 114-95), states and districts are required to issue an annual report card which must include state achievement results for students who have parents/guardians who are members of the Armed Forces on active duty or full-time National Guard duty. The CDE has updated the California Longitudinal Pupil Achievement Data System to indicate such students. These students will be assigned a national identification number that will facilitate monitoring of their academic progress as they move across military bases and from state to state.**

The Superintendent or designee shall **regularly annually** report to the Board **and the public** on the educational outcomes of children of military families, **enrolled in district schools, Such reports may include, including, but are** not limited to, school attendance, student achievement test results, promotion and retention rates by grade levels, **participation in extracurricular activities,** and graduation rates.

(cf. 0500 - Accountability)

## EDUCATION OF CHILDREN OF MILITARY FAMILIES (continued)

(cf. 5123 - Promotion/Acceleration/Retention)  
(cf. 6162.51 - State Academic Achievement Tests)  
(cf. 6162.52 - High School Exit Examination)

### Legal Reference:

#### EDUCATION CODE

35160.5 District policy rules and regulations; requirements; matters subject to regulation  
35179 Interscholastic athletics; associations or consortia  
35181 Students' responsibilities  
35351 Assignment of students to particular schools  
46600-46611 Interdistrict attendance agreements  
48050-48054 Nonresidents  
48200-48208 Persons included (compulsory education law)  
48300-48316 Student attendance alternatives, school district of choice program  
49700-49704 Education of children of military families  
51225.3 Requirements for graduation  
51240-51246 Exemptions from requirements  
51250-51251 School-age military dependents  
~~60850-60859 High school exit examination~~  
66204 Certification of high school courses as meeting university admissions criteria

#### UNITED STATES CODE, TITLE 10

##### **101 Definitions**

1209 Transfer to inactive status list instead of separation  
1211 Members on temporary disability retired list: return to active duty; promotion

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

##### **6311 State plan**

#### UNITED STATES CODE, TITLE 29

794 Section 504 **of the federal Rehabilitation Act**

### Management Resources:

#### **CALIFORNIA CHILD WELFARE COUNCIL**

##### **Partial Credit Model Policy and Practice Recommendations**

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS TASK FORCE REPORT TO THE LEGISLATURE**

~~Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009~~

**Final Report to the Legislature on the Interstate Compact on Educational Opportunity for Military Children, April 2014**

#### WEB SITES

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

**California Child Welfare Council:** <http://www.chhs.ca.gov/Pages/CACildWelfareCouncil.aspx>

California Department of Education, Educational Options Office: <http://www.cde.ca.gov/ls/pf/mc>

**Military Interstate Children's Compact Commission:** <http://www.mic3.net>

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### Policy Reference UPDATE Service

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# CSBA Sample

## Administrative Regulation

Instruction

AR 6173.2(a)

### EDUCATION OF CHILDREN OF MILITARY FAMILIES

Note: The following administrative regulation is **optional**. Pursuant to Education Code 49701, **as added by AB 343 (Ch. 237, Statutes of 2009)**, districts are required to be flexible in applying their local rules to children of military families in order to facilitate their enrollment, placement, advancement, eligibility for extracurricular activities, and on-time graduation.

In addition, Education Code 51251 authorizes the Governing Board to establish a course credit transfer policy and to provide early entry transfer, pretranscript evaluation, student support services, and other similar assistance to any school-aged child of a military service member who is on active duty, or within one year of his/her discharge, or when the child's transfer to a new school is a direct result of the military transfer or discharge of his/her parent/guardian.

### Definitions

*Children of military families* are school-aged children in the household of: (Education Code 49701)

1. Members who are in full-time duty status in the active uniformed service of the United States, including any member of the National Guard and Reserve on active duty order pursuant to 10 USC 1209 or 1211
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired, for one year after their medical discharge or retirement
3. Members of the uniformed services who have died while on active duty or as a result of injuries sustained on active duty, for one year after their death

### Enrollment

The Superintendent or designee shall facilitate the enrollment of children of military families and ensure that they are not placed at a disadvantage due to difficulty in the transfer of their records from previous school districts and/or variations in entrance or age requirements. (Education Code 49701)

Note: Pursuant to Education Code 48204.3, as amended by SB 455 (Ch. 239, Statutes of 2017), a student will be deemed to meet district residency requirements if his/her parent/guardian is transferred or is pending transfer to a military installation, as defined, within the state. See AR 5111.1 - District Residency.

**A child of a military family shall be deemed to meet district residency requirements if his/her parent/guardian, while on active military duty pursuant to an official military**

**EDUCATION OF CHILDREN OF MILITARY FAMILIES** (continued)

order, is transferred or is pending transfer to a military installation within the state. The Superintendent or designee shall accept electronic submission of such a student's application for enrollment, including enrollment in a specific school or program within the district, and for course registration. (Education Code 48204.3)

*(cf. 5111.1 - District Residency)*

When a child of a military family is transferring into the district, the Superintendent or designee may enroll the child based on the child's placement in the previous district, pending receipt of the child's records. Upon enrollment, the Superintendent or designee shall immediately request the student's records from the student's previous district. The Superintendent or designee shall allow the student 30 days from the date of enrollment to obtain all required immunizations. (Education Code 49701)

*(cf. 5111 - Admission)*

*(cf. 5125 - Student Records)*

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

*(cf. 5141.31- Immunizations)*

Note: Pursuant to Education Code ~~48301~~ **48307**, as amended by AB 99 (Ch. 15, Statutes of 2017), as amended by AB 306 (Ch. 771, Statutes of 2015), a district must not deny a student whose parent/guardian is on active military duty from transferring out of the district to a "school district of choice." **any other district. In addition, Education Code 46600, as amended by AB 2659 (Ch. 186, Statutes of 2016), provides that districts must not prohibit the transfer of such a student out of the district to any other district that approves the transfer, regardless of whether or not an interdistrict transfer agreement exists or a permit is issued.** Also see BP 5117 - Interdistrict Attendance.

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district ~~to any district that has declared itself to be a "school district of choice"~~ pursuant to Education Code ~~48300-48316~~, if the ~~other~~ school district **of proposed enrollment** approves the application for transfer. (Education Code **46600, 48301 48307**)

*(cf. 5117 - Interdistrict Attendance)*

When a child of a military family is transferring out of the district, the Superintendent or designee shall provide the student's parents/guardians with a complete set of the student's records or, if the official student record cannot be released, an unofficial or "hand-carried" record. Upon request from the new district, the Superintendent or designee shall provide a copy of the student's record to the new district within 10 days. (Education Code 49701)

**Placement and Attendance**

Note: The following optional paragraph may be revised to reflect district practice. Pursuant to Education Code 51251, the district may provide pretranscript evaluations, as described below, in order to address the needs of children of military families.

**EDUCATION OF CHILDREN OF MILITARY FAMILIES** (continued)

**Whenever a student's parent/guardian is serving on active duty or has been discharged from military service within the last year and the student transfers to a new school as the direct result of the military transfer or discharge, the Superintendent or designee may, prior to the receipt of official transcript(s) or the arrival of the student, review the student's coursework to date, including any unofficial transcript(s), to determine the appropriate placement of the student in classes. The evaluation shall also include communication with school counselors and teachers at the former school by videoconferencing, email, and/or telephone calls. (Education Code 51251)**

The Superintendent or designee shall initially honor the placement of any child of a military family in educational courses and programs based on the child's enrollment and/or assessment in his/her previous school. The Superintendent or designee may, to the extent permitted by Board policy, waive course or program prerequisites, preconditions, and/or application deadlines when making decisions regarding placement of children of military families and their eligibility for extracurricular academic, athletic, and social activities. (Education Code 49701)

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6172 - Gifted and Talented Student Program)*

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

<p>Note: Pursuant to Education Code 49701, the district is required to provide a child of a military family who has been identified as a student with a disability eligible for services under the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act (29 USC 794) with services based on his/her current individualized education program or Section 504 plan, as appropriate. See BP/AR 6159 - Individualized Education Program and BP/AR 6164.6 - Identification and Education Under Section 504.</p>
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When a child of a military family transferring into the district has been identified as an individual with a disability pursuant to 20 USC 1400-1482, the Superintendent or designee shall provide comparable services to the student based on his/her current individualized education program. In addition, when the child of a military family transferring into the district is eligible for services under Section 504 of the federal Rehabilitation Act, the Superintendent or designee shall make reasonable accommodations and modifications to address the needs of the student subject to the student's existing Section 504 plan. The district may authorize subsequent evaluations of the student to ensure appropriate placement. (Education Code 49701)

*(cf. 6159 - Individualized Education Program)*

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

*(cf. 6164.6 - Identification and Education Under Section 504)*

## EDUCATION OF CHILDREN OF MILITARY FAMILIES (continued)

### Transfer of Coursework and Credits

Note: The following section is for use by districts maintaining high schools. Education Code 51225.2, as amended by AB 365 (Ch. 739, Statutes of 2017), requires districts to issue credit for coursework satisfactorily completed at another school, as provided below.

When a child of a military family transfers into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a nonpublic, nonsectarian school or agency, or a juvenile court school and shall not require the student to retake the course. (Education Code 51225.2)

(cf. 6146.3 - *Reciprocity of Academic Credit*)

(cf. 6159.2 - *Nonpublic, Nonsectarian School or Agency Services for Special Education*)

If the student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take only the portion of the course that he/she did not complete at his/her previous school. However, the district may require the student to retake the portion of the course completed if, in consultation with the student's parent/guardian, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued, the student shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Note: Although Education Code 51225.2 requires districts to award partial credits to children of military families who transfer from school to school, there is no uniform system for calculating and awarding partial credits. A recommendation for how to award partial credit is available in the California Child Welfare Council's Partial Credit Model Policy and Practice Recommendations and should be revised to reflect district practice.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

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

(cf. 6143 - *Courses of Study*)

### Absences

Note: The California Department of Education's (CDE) Final Report to the Legislature on the Interstate Compact on Educational Opportunity for Military Children, available on its web site, contains a sample letter that may be provided to parents/guardians to report deployment-related absences.

## EDUCATION OF CHILDREN OF MILITARY FAMILIES (continued)

When a student's parent/guardian is an active duty member and is called to duty **for**, is on leave from, or is immediately returned from deployment to a combat zone or to combat support posting, the Superintendent or designee may grant additional excused absences to the student to visit with his/her parent/guardian. (Education Code 49701)

*(cf. 5113 - Absences and Excuses)*

### **Graduation**

~~The Superintendent or designee may also waive specific district course requirements for graduation if similar coursework has been satisfactorily completed by the student in his/her previous school. (Education Code 49701)~~

~~*(cf. 6162.52 - High School Exit Examination)*~~

~~*(cf. 6179 - Supplemental Instruction)*~~

~~The Superintendent or designee shall facilitate the on-time graduation of children of military families by providing supplemental instruction to incoming students as necessary to enable them to meet the district's graduation requirements. (Education Code 49701)~~

~~If after considering all alternatives, the Superintendent or designee believes that a student who has transferred into the district in grade 12 will not be able to satisfy the district's graduation requirements in time to graduate with his/her class, the Superintendent or designee shall work with the sending district to have the sending district issue the student its diploma, provided the student satisfies that sending district's graduation requirements. (Education Code 49701)~~

<p><del>Note: The following paragraph is <b>optional</b>.</del></p>
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~~Upon request of a school district to which a former district student has transferred, the Superintendent or designee shall issue the district's diploma of graduation to the former student, provided the student has satisfactorily completed the district's graduation requirements, including the passage of the high school exit examination.~~

### **Graduation Requirements**

<p><b>Note:</b> The following section is for use by districts maintaining high schools. Education Code 51225.1, as amended by AB 365 (Ch. 739, Statutes of 2017), exempts children of military families from district-established graduation requirements, under certain conditions, when they transfer after completing two years of high school. Also see BP 6146.1 - High School Graduation Requirements.</p>
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**To obtain a high school diploma, a child of a military family shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.**



**EDUCATION OF CHILDREN OF MILITARY FAMILIES (continued)**

*(cf. 6146.1 - High School Graduation Requirements)*

However, when a child of a military family who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the student's transfer, the Superintendent or designee shall notify the student and his/her parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student no longer meets the definition of a child of a military family pursuant to Education Code 49701. (Education Code 51225.1)

To determine whether a child of a military family is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any child of a military family who is granted an exemption and his/her parent/guardian how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a child of a military family to transfer schools in order to qualify for an exemption, and no child of a military family or his/her parent/guardian shall be permitted to request a transfer solely to qualify for an exemption. (Education Code 51225.1)

If a child of a military family is exempted from local graduation requirements, the exemption shall continue to apply after the student no longer meets the definition of a child of a military family or if he/she transfers to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a child of a military family is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)

**EDUCATION OF CHILDREN OF MILITARY FAMILIES** (continued)

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

**Notification and Complaints**

**Note: Education Code 51225.1 and 51225.2, as amended by AB 365 (Ch. 739, Statutes of 2017), provide that complaints of noncompliance with specified requirements related to the educational rights of children of military families may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4687. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to the CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.**

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

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

***(cf. 1312.3 - Uniform Complaint Procedures)***

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# CSBA Sample

## Board Policy

Instruction

BP 6174(a)

### EDUCATION FOR ENGLISH LEARNERS

Note: The following policy may be revised to reflect district practice. State and federal law establish requirements for the identification, placement, and education of English learners.

~~Proposition 58 (November 2016) amended Education Code 305.310 to authorize parents/guardians to select a language acquisition program that best suits their child and repealed Education Code 311 thereby eliminating the requirement that parents/guardians request a waiver from the district if they want to enroll their child in a program other than a structured English immersion program. See the section on "Language Acquisition Programs" below.~~

Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced-price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.

**In addition,** 20 USC 6801-7014 (Title III) provide grant funds that may be used to supplement, but not supplant, funding from other sources for the purpose of ensuring that English learners attain English proficiency and meet the same challenging academic standards that are applicable to all students. During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will expect to see evidence that the district has complied with state and federal requirements. See the CDE web site for FPM compliance monitoring instruments.

**For further information regarding English learners, programs, and services, see CDE's publication The California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, available on its web site.**

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

~~Note: Pursuant to Education Code 42238.02 and 42238.03, the local control funding formula provides additional funding based on the number and concentration of unduplicated counts of students who are English learners, foster youth, and/or eligible for free or reduced price meals. Such funds must be used to increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number or concentration of unduplicated students; see BP 3100 - Budget.~~

~~In addition,~~ Education Code 52060 requires the district's local control and accountability plan (LCAP) to include annual goals and specific actions, aligned to state and local priorities, for all students and for each "numerically significant" student subgroup as defined in Education Code 52052, including English learners; see BP/AR 0460 - Local Control and Accountability Plan. **The CDE's Roadmap provides an alignment between principles outlined for English learners and the eight state priority areas required in the district's LCAP.**

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

## EDUCATION FOR ENGLISH LEARNERS (continued)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

Note: The following paragraph may be revised to reflect district strategies for parent/guardian and community involvement. Education Code 305, ~~as amended by Proposition 58 (November 2016)~~, requires the district to solicit input on language acquisition programs as part of the parent and community engagement process during the development of the LCAP; see section on "Language Acquisition Programs" below. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, Education Code 52063 requires the establishment of an English learner parent advisory committee to review and comment on the district's LCAP; see the accompanying administrative regulation and BP 0460 - Local Control and Accountability Plan.

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

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Note: Pursuant to Education Code 60811, in November 2012 the State Board of Education (SBE) adopted state academic content standards for English language development (ELD), aligned with the California Common Core State Standards for English language arts, for students whose primary language is a language other than English. In July 2014, the SBE adopted the English Language Arts/English Language Development Framework aligned to those standards. A supplementary resource, Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, specifies the correspondence between the state ELD standards and the California Common Core State Standards for mathematics and the Next Generation Science Standards.

**CDE's Roadmap encourages differentiated instruction and curriculum which are integrated across all subject areas and emphasize inquiry-based learning and critical thinking skills.**

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

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6171 - Title I Programs)

## EDUCATION FOR ENGLISH LEARNERS (continued)

Note: Commission on Teacher Credentialing (CTC) leaflet CL-622, Serving English Learners, describes requirements pertaining to the qualifications of teachers of English learners. A teacher who is assigned to provide English language development, specially designed academic instruction in English, and/or primary language instruction to English learners must hold an appropriate authorization from the CTC; see AR 4112.22 - Staff Teaching English Learners.

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

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

Note: The following paragraph **is reflects a requirement** for ~~use by~~ districts that receive federal Title III funds to improve the education of English learners, **and is recommended for use by all districts**. 20 USC 6825 lists the required uses of such funds, including the provision of professional development of sufficient intensity and duration to have a positive and lasting impact on teachers' performance in the classroom. Pursuant to 20 USC 6825, such professional development must not include one-day or short-term workshops and conferences. ~~Districts that do not receive Title III funds may delete or adapt the following paragraph to reflect district practice.~~

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

## EDUCATION FOR ENGLISH LEARNERS (continued)

### Identification and Assessment

Note: **The CDE's Roadmap emphasizes the importance of early identification of English learners, as early childhood is a crucial period of time for language development.** Education Code 313 requires any district that has one or more students who are English learners to assess the English language proficiency of those students using a state assessment designated by the SBE. The state **is transitioning from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC), which are aligned with the 2012 state standards for ELD. The ELPAC will include a They include an initial test for identifying students who may be English learners and an annual summative assessment, operational in spring 2018,** for determining English learners' level of English proficiency and their progress in acquiring the skills of listening, speaking, reading, and writing in English. **The ELPAC's initial screening test for identifying students who may be English learners will be operational July 1, 2018.** The CDE also provides a home language survey to be used to identify students who should be tested for English proficiency. See the accompanying administrative regulation for further information about test administration and identification and reclassification criteria.

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

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

Note: In addition to testing the level of English proficiency of English learners, districts are required pursuant to Education Code 60640 to administer the California Assessment of Student Performance and Progress to English learners; see BP/AR 6162.51 - State Academic Achievement Tests. As needed, English learners may be provided with the testing resources (i.e., universal tools, designated supports, and accommodations) specified in 5 CCR **853.5 and 853.7 854.1-854.3, as renumbered by Register 2018, No. 4,** during test administration.

Education Code 60640 also authorizes districts to administer a primary language assessment to English learners in grades 2-11 for the purpose of assessing students' competency in reading, writing, and listening in their primary language. The Standards-Based Test in Spanish may be used for this purpose until a test is available that is aligned with the most recent state ELD standards. The new California Spanish Assessment is expected to be operational in the 2018-19 school year.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR **853.5 and 853.7 854.1-854.3**. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR **853.5, 853.7 854.1-854.3**)

(cf. 6162.51 - State Academic Achievement Tests)

## EDUCATION FOR ENGLISH LEARNERS (continued)

**Note:** The following paragraph is optional. The CDE's Roadmap highlights the importance of formative assessments in order to continually adapt methodologies and instruction to meet the needs of English learners.

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

*(cf. 6162.5 - Student Assessment)*

### Language Acquisition Programs

**Note:** Effective July 1, 2017, Proposition 58 (November 2016) amended Education Code 305-310 and repealed Education Code 311 to authorize parents/guardians to select a language acquisition program that best suits their child. At a minimum, the district must offer a structured English immersion program. It also may offer a dual-language immersion program, transitional and developmental program for English learners, or other language acquisition program as defined in Education Code 306; see the accompanying administrative regulation. **Pursuant to 20 USC 6312 and 34 CFR 100.3, parents/guardians have a right to decline or opt their child out of a language acquisition program.** The following section may be revised to reflect programs offered by the district. **Also see the accompanying administrative regulation.**

Pursuant to Education Code 310, as amended, when the parents/guardians of 30 or more students at a school or 20 or more students in any grade level at the school request a particular language acquisition program, the district shall offer that program at the school site to the extent possible.

~~In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)~~

~~Language acquisition programs are educational programs~~ **The district shall offer research-based language acquisition programs** that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. ~~The language acquisition programs provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306; 5 CCR 11300)~~

~~The district shall offer English learners~~ **At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development** to ensure that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; **5 CCR 11309**)



## EDUCATION FOR ENGLISH LEARNERS (continued)

Note: The following **optional** paragraph may be revised to reflect district practice. The Education Code does not define the term "nearly all" for purposes of ensuring that nearly all instruction in the structured English immersion program is provided in English pursuant to Education Code 306. The following paragraph defines "nearly all" as to provide that all classroom instruction be conducted in English except for clarification, explanation, and support as needed. The district could instead establish a minimum percentage of classroom instructional time to be conducted in English or specify the types of courses to be conducted in English and the courses (e.g., science, algebra) to be taught in the student's primary language.

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

Note: Items #1-2 below are **optional** and may be revised to reflect district practice.

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

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

(cf. 6142.2 - World/Foreign Language Instruction)

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

Note: The following paragraph is for use by districts that maintain any of grades K-3. Education Code 310, as amended by Proposition 58 (November 2016), requires that language acquisition programs in grades K-3 comply with class size requirements specified in Education Code 42238.02. For further information, see BP 6151 - Class Size.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)



**EDUCATION FOR ENGLISH LEARNERS** (continued)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, **the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program.** (Education Code 310; **5 CCR 11310**)

*(cf. 5145.6 - Parental Notifications)*

**Note: Pursuant to 5 CCR 11311, as added by Register 2018, No. 20, districts are required to establish a process with specified components for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. See the section "Language Acquisition Programs" in the accompanying administrative regulation.**

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; **5 CCR 11311**)

**Note: The following paragraph is for use by districts that maintain any of grades K-3. Education Code 310, as amended by Proposition 58 (November 2016), requires that language acquisition programs in grades K-3 comply with class size requirements specified in Education Code 42238.02. For further information, see BP 6151—Class Size.**

~~The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)~~

~~*(cf. 6151—Class Size)*~~

**Note: Education Code 310, as amended by Proposition 58 (November 2016), requires any district that implements a language acquisition program to distribute the following notification when a student enrolls in school or as part of the annual notification issued pursuant to Education Code 48980.**

~~At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program (Education Code 310)~~

~~*(cf. 5145.6—Parental Notifications)*~~

## EDUCATION FOR ENGLISH LEARNERS (continued)

### Reclassification

Note: As amended by Proposition 58 (November 2016), Education Code 305 no longer specifies that enrollment in a structured English immersion program is "not normally intended to exceed one year," nor does it address a timeline for students to be transferred from any other language acquisition program into an English language mainstream classroom. However, an English learner may transfer to an English language mainstream classroom when he/she has developed the English language skills necessary to succeed in an English only classroom and, based on criteria established pursuant to Education Code 313 and 52164.6, is reclassified as fluent English proficient. See the accompanying administrative regulation. Furthermore, pursuant to 20 USC 6312, 34 CFR 100.3, and 5 CCR 11301, parents/guardians have a right to decline or opt their child out of a language acquisition program.

When an English learner is determined ~~—pursuant to~~ **based on** state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

### Program Evaluation

Note: The following section may be revised to reflect indicators agreed upon by the Governing Board and Superintendent or designee for measuring the effectiveness of the district's educational program for English learners.

Education Code 52061 requires that the annual update of the LCAP include a review of progress toward the goals included in the LCAP, an assessment of the effectiveness of the specific actions described in the LCAP toward achieving the goals, and a description of changes the district will make as a result of this review and assessment.

Pursuant to Education Code 313.2, the CDE is required to annually determine the number of students in each district and school who are, or are at risk of becoming, long-term English learners and to report that information to districts and schools. Definitions of "long-term English learner" and "English learner at risk of becoming a long-term English learner" are contained in Education Code 313.1.

The federal Every Student Succeeds Act (ESSA) (P.L. 114-95) repealed 20 USC 6842, thereby eliminating the requirement that districts receiving federal Title III funding (20 USC 6841-6849) reach "annual measurable achievement objectives," including annual increases in the number or percentage of English learners making progress in English proficiency. Instead, 20 USC 6311, as amended by the ESSA, requires the inclusion of a performance indicator on English language proficiency within the state accountability system under Title I.

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient

## EDUCATION FOR ENGLISH LEARNERS (continued)

3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
56. Progress toward any other goals for English learners identified in the district's LCAP
67. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee **also** shall **also** provide the Board with regular reports from any district or schoolwide English learner advisory committees.

### Legal Reference:

#### EDUCATION CODE

300-340 English language education, especially:  
 305-310 Language acquisition programs  
 313-313.5 Assessment of English proficiency  
 430-446 English Learner and Immigrant Pupil Federal Conformity Act  
 33050 State Board of Education waiver authority  
 42238.02-42238.03 Local control funding formula  
 44253.1-44253.11 Qualifications for teaching English learners  
 48980 Parental notifications  
 48985 Notices to parents in language other than English  
 52052 Numerically significant student subgroups  
 52060-52077 Local control and accountability plan  
 52130-52135 Impacted Languages Act of 1984  
 52160-52178 Bilingual Bicultural Act  
 56305 CDE manual on English learners with disabilities  
 60603 Definition, recently arrived English learner  
 60605.87 Supplemental instructional materials, English language development  
 60640 California Assessment of Student Performance and Progress  
 60810-60812 Assessment of language development  
 62005.5 62002.5 Continuation of advisory committee after program sunsets

**EDUCATION FOR ENGLISH LEARNERS (continued)***Legal Reference: (continued)*CODE OF REGULATIONS, TITLE 5853.5-853.7 Test administration; universal tools, designated supports, and accommodations853.8 CAASPP and unlisted resources for students with disabilities854.1-854.3 CAASPP and universal tools, designated supports, and accommodations854.9 CASSPP and unlisted resources for students with disabilities11300-11316 English learner education11510-11517.5 California English Language Development Test11517.6-11519.5 English Language Proficiency Assessments for CaliforniaUNITED STATES CODE, TITLE 201412 Individuals with Disabilities Education Act; state eligibility1701-1705 Equal Educational Opportunities Act6311 Title I state plan6312 Title I local education agency plans6801-7014 Title III, language instruction for English learners and immigrant students7801 DefinitionsCODE OF FEDERAL REGULATIONS, TITLE 34100.3 Discrimination prohibited200.16 Assessment of English learnersCOURT DECISIONSValeria G. O. v. Wilson Davis, (2002) 307 F.3d 1036California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698ATTORNEY GENERAL OPINIONS83 Ops.Cal.Atty.Gen. 40 (2000)*Management Resources:*CSBA PUBLICATIONSEnglish Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSCalifornia English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015*Management Resources continued: (see next page)*

## EDUCATION FOR ENGLISH LEARNERS (continued)

### Management Resources: (continued)

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

Common Core State Standards for Mathematics, rev. 2013

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

#### **THE EDUCATION TRUST- WEST PUBLICATIONS**

**Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018**

**Unlocking Learning: Science as a Lever for English Learner Equity, January 2017**

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

**Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017**

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

**Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007**

#### WEB SITES

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

California Association for Bilingual Education: <http://www.gocabe.org>

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

National Clearinghouse for English Language Acquisition: <http://www.ncela.us>

**The Education Trust-West: <https://west.edtrust.org>**

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

# CSBA Sample

## Administrative Regulation

Instruction

AR 6174(a)

### EDUCATION FOR ENGLISH LEARNERS

#### Definitions

Note: The following section reflects definitions in Education Code 306, as amended by Proposition 58 (November 2016).

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

***Designated English language development* means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)**

***Integrated English language development* means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)**

*Native speaker of English* means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

#### Identification and Assessments

Note: Education Code 52164.1 and 5 CCR 11307 require the district to administer a home language survey to all enrolled students. A sample home language survey form in English and Spanish is available on the California Department of Education's (CDE) web site.

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

Note: When the home language survey indicates that a student's proficiency in English should be tested, Education Code 313 requires the district to administer a state assessment of English language proficiency. ~~When fully operational in 2018, the~~ English Language Proficiency Assessments for California (ELPAC) ~~will be~~ **are** used for initial identification of language proficiency and subsequently for annual assessment of language proficiency.

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be **initially** assessed for English proficiency using the ~~state's designated English language proficiency test for initial identification~~ **English Language Proficiency Assessments for California (ELPAC)**. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ~~state's designated English language proficiency test~~ **ELPAC** shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

Note: 5 CCR ~~11516-11516.6~~ **11518.30-11518.35**, as renumbered by Register 2017, No. 23, specify allowable variations and accommodations in the administration of the state English language proficiency assessment. ~~These variations and accommodations are generally the same as those allowed for other state assessments; see AR 6162.51—State Academic Achievement Tests.~~

The ~~state assessment~~ **ELPAC** shall be administered in accordance with test publisher instructions and 5 CCR **11518.5-11518.20** ~~11511-11516.6~~. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR ~~11516-11516.6~~ **11518.30-11518.35**.

Note: The Individuals with Disabilities in Education Act (20 USC 1412) requires that students with disabilities be included in all state assessments, including the ~~annual assessment of English language proficiency~~ **ELPAC** as appropriate. English learners with disabilities must be allowed to take the test with accommodations as specified in their individualized education program or Section 504 plan. Pursuant to 5 CCR **11518.30** ~~11516.7~~, students with the most significant cognitive disabilities who cannot participate in the assessment, even with appropriate accommodations, must be given an alternate assessment of English proficiency. 34 CFR 200.16, ~~as amended by 81 Fed. Reg. 86076~~, provides that, if an English learner with a disability is unable to take the assessment with accommodations, the state accountability system must include the student's score on any part(s) of the test for which it is possible to assess the student (i.e., speaking, reading, listening, writing).

Education Code 56305, ~~as amended by AB 99 (Ch. 15, Statutes of 2017)~~, ~~as added by AB 2785 (Ch. 579, Statutes of 2016)~~, requires CDE to **develop, by July 1, 2018, January 1, 2019, a manual providing guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.**

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used



**EDUCATION FOR ENGLISH LEARNERS** (continued)

during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR **11518.25-11518.35** ~~11516-11516.7~~; 20 USC 1412)

(cf. 6159 - Individualized Education Program)

(cf. ~~6152.51~~ **6162.51** - State Academic Achievement Tests)

(cf. 6164.6 - Identification and Education Under Section 504)

Note: The remainder of this section specifies notifications that must be sent to parents/guardians regarding assessment results and available programs for English learners. The CDE has developed sample notification letters, available on its web site in multiple translations, to notify parents/guardians of the initial identification of a student as an English learner or as initially fluent English proficient and to notify them of the results of an annual assessment.

Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to their parents/guardians must be written in English and in the primary language and may be answered by the parent/guardian in either language.

The Superintendent or designee shall notify parents/guardians of their child's results on the ~~state's English language proficiency assessment~~ **ELPAC** within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph is for use by districts that receive federal funds under either Title I or Title III for services to English learners, **and may be adapted for use by other districts. Pursuant to Education Code 440 and 20 USC 6312, Such districts receiving Title I or Title III funds** are required to provide parents/guardians with notification of their child's identification as an English learner and placement in a language acquisition program. ~~The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 7012 and moved the notification requirement to 20 USC 6312.~~

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code **313.2**, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement



**EDUCATION FOR ENGLISH LEARNERS (continued)**

3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
  - b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
  - e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP

**Note: Education Code 313.2, as amended by AB 81 (Ch. 609, Statutes of 2017), requires that the notice contain information in regard to (1) whether the student is a long-term English learner, or English learner at risk of becoming a long-term English learner, and (2) the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help them develop English proficiency and achieve academic standards. Districts may send an alternate notice if the definitions of long-term English learners and those at risk of becoming long-term English learners used by the district are broader than those defined in Education Code 313.1, the notice states that the definitions utilized by the district are broader, and the notice contains the information specified in item #4 below.**

- 4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards.**
- 4.5.** Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
- 5.6.** Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available

**EDUCATION FOR ENGLISH LEARNERS (continued)**

- 6.7.** Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

**Language Acquisition Programs**

**Note:** Pursuant to 5 CCR 11311, as added by Register 2018, No. 20, districts are required to establish a process for schools to receive and respond to requests from parents/guardians of enrolled students, and those enrolled for attendance in the next school year, to establish a language acquisition program other than, or in addition to, those already available at the school. Each school is required to follow the process even when the district provides the language acquisition program at another school site. The following section includes the components of the process required by 5 CCR 11311 and may be expanded to reflect district practice.

**Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)**

- 1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.**
- 2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.**
- 3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:**
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program**
  - b. Identify costs and resources necessary to implement any new language**

**EDUCATION FOR ENGLISH LEARNERS (continued)**

acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals

- c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
- d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

**Note:** Pursuant to 5 CCR 11310, as amended by Register 2018, No. 20, districts are required to notify parents/guardians regarding language acquisition programs at the beginning of each school year or upon a student's enrollment. The following section includes the notice requirements pursuant to 5 CCR 11310.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

- 1. A description of the programs provided, including structured English immersion
- 2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
- 3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
- 4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

## EDUCATION FOR ENGLISH LEARNERS (continued)

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

### Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

Note: Education Code 313 and 52164.6 and 5 CCR 11303 require that the district's reclassification process include, at a minimum, the criteria specified in items #1-4 below. **Additional guidance is available on the CDE's web site.** The district may expand the following list to reflect any additional criteria it has established. **The CDE's CELDT Information Guide includes recommendations for assessing each of the following criteria and states that, for a student with disabilities, the student's IEP team or Section 504 team should determine any supplemental criteria to be used.**

The measures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the **state's English language proficiency assessment ELPAC**

## EDUCATION FOR ENGLISH LEARNERS (continued)

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

The Superintendent or designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

Note: Pursuant to Education Code 313, the fourth criterion requires comparison of student performance on an objective assessment of basic skills that provides an empirically established range of performance of English proficient students of the same age. A letter from the CDE to district superintendents (~~Academic Criterion for~~ **Reclassification Guidance for 2017-18**) dated ~~August 11, 2014~~ **April 28, 2017** clarifies that **the Smarter Balanced Summative Assessment may be used as a local measure of the fourth criterion, or, when a state test of basic skills is unavailable, districts must may select another measure which may include a local assessment.** The CDE correspondence provides examples of appropriate measures and is available on the CDE web site.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

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

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether the student needs any additional academic support **to ensure his/her language and academic success.**

### Advisory Committee

Note: The following section should be revised to reflect district practice. Pursuant to 5 CCR 11308, a parent/guardian advisory committee is required for any district with over 50 English learners and for each school with over 20 English learners. Duties of the advisory committee are specified in 5 CCR 11308.

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

## **EDUCATION FOR ENGLISH LEARNERS** (continued)

The district's English language advisory committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a **district master** plan **of for** education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

### **LCAP Advisory Committee**

Note: The following section is applicable if the district's student enrollment includes at least 15 percent English learners, with at least 50 students who are English learners. Education Code 52063 requires that such districts establish an English learner parent advisory committee to review and comment on the district's local control and accountability plan; see BP 0460 - Local Control and Accountability Plan. 5 CCR 15495 requires this committee to include a majority of parents/guardians of English learners.

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR **11301**, 15495)

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

**EDUCATION FOR ENGLISH LEARNERS** (continued)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

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# CSBA Sample

## Board Bylaw

### Board Bylaws

BB 9310(a)

### BOARD POLICIES

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

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians, and the community. **Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.**

*(cf. 9000 - Role of the Board)*

**The Board shall ensure that district policies align with the district's vision and goals, promote student learning and achievement, provide for consistent and fair treatment of students and staff, and proactively address equity and the provision of equal access to opportunities for all students.**

*(cf. 0000 - Vision)*

*(cf. 0100 - Philosophy)*

*(cf. 0415 - Equity)*

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

Note: State and federal laws mandate that districts develop policy or regulations on numerous topics. CSBA maintains a list of mandated policies and also indicates throughout its sample policy manual instances where policy language is mandated.

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. **Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements. No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.**

*(cf. 2210 - Administrative Discretion Regarding Board Policy)*

Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agendas/Meeting Materials)*



**BOARD POLICIES** (continued)

Note: Education Code 35160.5 requires that district policies pertaining to intradistrict open enrollment and extracurricular/cocurricular activities be reviewed annually.

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

**Policy Development and Adoption Process**

Note: The following section describes the basic steps in the policy development process and may be revised to reflect district practice. CSBA offers a variety of policy services designed to assist the governance team with this process, including review of district policy manuals, policy development workshops for individual districts and consortia of districts, and manual maintenance services.

The district's policy development process shall include the following basic steps:

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision **statement, new or** goals **in the local control and accountability plan,** educational research or trends, **or a change in the superintendency or Board membership.** ~~The need may also occur as a result of~~ an incident that has arisen in the district, **a parent/guardian,** or other interested persons.

~~Note: Information gathered by district staff, as provided in item #2 below, may include sample policies available through CSBA.~~

2. As needed, the Superintendent or designee shall gather fiscal **and other** data, staff and public input, related district policies, sample policies from **the California School Boards Association or** other organizations or agencies, and other useful information **and data** to fully inform the Board about **the a particular** issue.

*(cf. 1220 - Citizen Advisory Committees)*

3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, **how the proposed policy may affect student learning,** community expectations, staff recommendations, **and**

## BOARD POLICIES (continued)

**the expected impact of the policy** ~~fiscal impact, as well as the policy's impact on student learning and well-being, equity, governance, and the district's fiscal resources~~ and operational efficiency.

4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.

Note: ~~Generally, most~~ policies are given two readings at a public Board meeting. However, a second reading is **generally** not required by law so it may be waived by the Board. The following paragraph should be modified by districts that only require one reading of policies prior to adoption.

5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

*(cf. 9323 - Meeting Conduct)*

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

~~*(cf. 9322 - Agenda/Meeting Materials)*~~

*(cf. 9323.2 - Actions by the Board)*

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or **the desire** to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date **if so** designated by the Board at the time of adoption.

## Board Bylaws

The Board shall prescribe and enforce rules for its own **government governance** consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

## Administrative Regulations

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall

## BOARD POLICIES (continued)

be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other **necessary** provisions. The Superintendent or designee **may** also **may** develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding **administrative** regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve **administrative** regulations for the purpose of ensuring conformity with the intent of Board policy.

### Monitoring and Evaluation

At **the any** time, ~~a policy is adopted,~~ the Board and Superintendent or designee ~~shall~~ **may** determine ~~whether an evaluation~~ **that progress reports to the Board on the implementation and/or effectiveness** of the policy should be scheduled. ~~and, if so, the Board and Superintendent or designee~~ shall agree upon a timeline and, **as applicable,** measures for evaluating the effectiveness of the policy in achieving its purpose.

*(cf. 0500 - Accountability)*

### Access to Policies

Note: Districts that are updating their policy manual through CSBA's Manual Maintenance **Plus** service have the option of accessing their district's policy manual and other legal and management resources through CSBA's GAMUT Online **service-web site**.

The Superintendent or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. ~~A public copy of the policy manual shall be maintained at the district central office and at each school site. These copies~~ **policy manual** shall be maintained **either** electronically **and/or** by paper copy.

*(cf. 1113 - District and School Web Sites)*

*(cf. 1340 - Access to District Records)*

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue. **Policies shall be posted on the district's web site when required by law.**

*(cf. 1112 - Media Relations)*

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

## BOARD POLICIES (continued)

(cf. 5145.6 - Parental Notifications)

(cf. 6020 - Parent Involvement)

### **Suspension of Policies**

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

(cf. 2210—Administrative Discretion Regarding Board Policy)

#### *Legal Reference:*

##### EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

#### *Management Resources:*

##### WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online), Policy Review Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

National School Boards Association: <http://www.nsba.org>

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