

**CHARTER SCHOOL REVOCATION**

Note: The following policy is **optional**. Education Code 47607 and 5 CCR 11968.5.2-11968.5.3 authorize the Governing Board to revoke the charter of a charter school in its jurisdiction when certain substantiated findings are made. In Today's Fresh Start, Inc. v. Los Angeles County Office of Education, the California Supreme Court confirmed that the revocation process prescribed in the Education Code provides a charter school with sufficient due process and that a charter school is not entitled to any additional evidentiary hearing by a neutral third party.

In addition, Education Code 47604.5 authorizes the State Board of Education (SBE), upon the recommendation of the Superintendent of Public Instruction (SPI), to revoke the charter of any charter school, whether or not the SBE is the chartering authority, if it makes certain findings relating to gross financial mismanagement, illegal or improper use of funds, substantial and sustained departure from measurably successful practices that may jeopardize the educational development of students, or, as amended by AB 97 (Ch. 47, Statutes of 2013), failure to improve student outcomes across multiple state and school priorities identified in the charter pursuant to Education Code 47605 or 47605.6. SBE revocation procedures are specified in 5 CCR 11968.5-11968.5.1.

The Governing Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

*(cf. 0420.4 - Charter School Authorization)*

*(cf. 0420.41 - Charter School Oversight)*

*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0500 - Accountability)*

The Board may revoke a charter before the date it is due to expire whenever the Board makes a written factual finding, supported by substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

Note: Education Code 47607.3, as added by AB 97 (Ch. 47, Statutes of 2013), provides additional criteria for considering revocation of a charter, as described below. Pursuant to Education Code 47607.3, if, in three out of four consecutive years, a charter school fails to improve outcomes for three or more numerically significant student subgroups served by the school, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, then the district (1) must provide technical assistance to the school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5, or (2) may request that the SPI assign the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance to the school; see BP 0420.41 - Charter School Oversight. If the CCEE informs the Board that the school has failed or is unable to implement the CCEE's recommendations or continues to have persistent or acute inadequate performance, then the Board must consider revocation of the charter.

## **CHARTER SCHOOL REVOCATION** (continued)

The Board shall also consider revocation of a charter whenever the California Collaborative for Educational Excellence (CCEE), after providing advice and assistance to the charter school pursuant to Education Code 47607.3, submits to the Board either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of the CCEE
2. That the inadequate performance of the charter school, as based on an evaluation rubric adopted by the State Board of Education (SBE), is so persistent or acute as to require revocation of the charter

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607, 47607.3)

At least 72 hours prior to any Board meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

*(cf. 9320 - Meetings and Notices)*

If the Board takes action to issue a Notice of Violation, it shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s)
2. All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

## **CHARTER SCHOOL REVOCATION** (continued)

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

Within 60 calendar days of the conclusion of the remedy period, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body

Note: Pursuant to Education Code 47607 and 5 CCR 11968.5.2, a decision to issue a Notice of Intent to Revoke as provided in item #2 below must be supported by substantial evidence that the charter school has failed to remedy or refute a violation. "Substantial evidence" is not defined in law or state regulations. The district should consult legal counsel as necessary.

2. If there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body

If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to the California Department of Education (CDE) and the County Board of Education. (Education Code 47604.32; 5 CCR 11968.5.2)

Note: Pursuant to Education Code 47604.32, if a charter school ceases operation for any reason, including revocation, the district must notify the California Department of Education; see BP 0420.41 - Charter School Oversight. In addition, the district and/or charter school must implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962; see AR 0420.4 - Charter School Authorization.

## **CHARTER SCHOOL REVOCATION (continued)**

### **Severe and Imminent Threat**

The procedures specified above shall not be applicable when the Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body, the County Board, and the CDE. (Education Code 47607; 5 CCR 11968.5.3)

### **Appeals**

Note: Pursuant to Education Code 47607 and 5 CCR 11968.5.3-11968.5.5, within 30 days of the Board's final decision to revoke a charter, the charter school may appeal the revocation, including a revocation based on a severe and imminent threat, to the County Board of Education. The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to the SBE. If the County Board upholds the revocation or does not issue a decision within 90 days of its receipt of the appeal, the charter school may appeal to the SBE. Pursuant to Education Code 47607, if either the County Board or the SBE reverses the revocation, the district remains the chartering authority.

Education Code 47607 further provides that, while an appeal is pending, a charter school whose revocation is based on a material violation of any of the conditions, standards, or procedures set forth in its charter or on a failure to meet or pursue any of the student outcomes identified in the charter will continue to qualify as a charter school for funding and all other purposes of the Charter Schools Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

As added by AB 97 (Ch. 47, Statutes of 2013), Education Code 47607.3 provides that a charter school may not appeal a revocation made pursuant to Education Code 47607.3 based on findings of the CCEE that the school failed or is unable to implement the CCEE's recommendations or that revocation is warranted based on persistent or acute inadequate performance.

If the Board revokes a charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. Either the charter school or the district may subsequently appeal the County Board's decision to the SBE. However, a revocation based upon the findings of the CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

*Legal Reference: (see next page)*

## **CHARTER SCHOOL REVOCATION (continued)**

*Legal Reference:*

EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992, especially:*

47607 *Charter renewals and revocations*

52052 *Numerically significant student subgroups; definition*

CODE OF REGULATIONS, TITLE 5

11960-11969 *Charter schools, especially:*

11968.5-11968.5.5 *Charter revocations*

COURT DECISIONS

*Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197*

*Management Resources:*

CSBA PUBLICATIONS

*The Role of the Charter School Authorizer, Online Course*

*Charter Schools: A Manual for Governance Teams, rev. 2012*

WEB SITES

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

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

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

**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.

*(cf. 0000 - Vision)*  
*(cf. 0100 - Philosophy)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 2110 - Superintendent Responsibilities and Duties)*  
*(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)*

The Superintendent or designee shall notify the Board as soon as practicable after he/she exercises this authority. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

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

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

35010 *Control of district, prescription and enforcement of rules*

35035 *Powers and duties of superintendent*

35160 *Authority of governing boards*

35161 *Powers and duties; authority to delegate*

35163 *Official actions, minutes and journal*

*Management Resources:*

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>

## **Coronado USD Board Policy**

BP 3350

### **Travel Expenses**

#### **Business and Noninstructional Operations**

The Governing Board recognizes that district employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the Superintendent or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the district, whether within or outside district boundaries. (Education Code 44032)

The Superintendent or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy.

An employee shall obtain approval from the Superintendent or designee prior to traveling. The Superintendent or designee may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee's supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee's duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the Superintendent or designee if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the Board.

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when district business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on district business, and other necessary incidental expenses.



The district shall not reimburse personal travel expenses including, but not limited to, ~~tips or gratuities~~, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on district-related business, personal use of an automobile and personal losses or traffic violation fees incurred while on district business.

Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts. ***Meal costs shall be reimbursed based on documented actual expenses within the maximum amounts established by the Superintendent or designee and based on the time of day that travel for district business begins and ends. As an alternative, per diem meal expenses may be claimed. Such reimbursements are payable without receipts, at a maximum of \$35 per day for full travel days, and at \$6 for Breakfast, \$10 for Lunch, and \$19 for Dinner for partial days. It is expected that travelers will not ask to be reimbursed for meals that are provided as part of conference registrations, etc. Tips are allowed for reimbursement, up to a maximum of 20%, for expenses that are reimbursed from receipts, such as taxis.***

Authorized employees shall be reimbursed for the use of their own private vehicles in the performance of assigned duties, on either a mileage or monthly basis as determined by the Superintendent or designee. (Education Code 44033)

The mileage allowance provided by the district for employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service.

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

~~Meal costs shall be reimbursed based on documented actual expenses within the maximum amounts established by the Superintendent or designee and based on the time of day that travel for district business begins and ends.~~

Any expense that exceeds the maximum rate of reimbursement established by the district shall be reimbursed only with the approval of the Superintendent or designee.

All expense reimbursement claims shall be submitted on a district form, within 10 working days following return from travel when possible. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet district criteria for reimbursement.

The Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to district business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

When approved by the Superintendent or designee, an employee may be issued a district credit card for use while on authorized district business. Receipts documenting the expenses incurred on a district credit card shall be submitted promptly following return from travel.

Under no circumstances shall personal expenses be charged on a district credit card, even if the employee intends to subsequently reimburse the district for the personal charges.

When necessary, the Superintendent or designee may approve a cash advance, not to exceed the estimated out-of-pocket reimbursable expenses, to an employee authorized to travel on district business. Within 10 working days following return from travel, the employee shall submit a final accounting with all necessary supporting documentation. He/she shall refund to the district any amount of cash advance exceeding the actual approved reimbursable expenses.

Legal Reference:

EDUCATION CODE

42634 Itemization of expenses

44016 Travel expense to employment interview

44032 Travel expenses

44033 Automobile allowance

44802 Student teacher's travel expense

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

Per Diem Rates (For Travel Within the Continental United States), Publication 1542

WEB SITES

Internal Revenue Service: <http://www.irs.gov>

U.S. General Services Administration, Per Diem Rates: <http://www.gsa.gov/perdiem>

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

Note: The following **optional** policy may be revised to reflect district practice. Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program (42 USC 1751-1769j, 1773) must maintain a nonprofit school food service program. Revenues received through the program may be used only for the operation or improvement of the food service program, except that such revenues must not be used to purchase land or buildings or construct buildings unless otherwise approved. Authorized expenditures are defined in the California Department of Education's (CDE) California School Accounting Manual.

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

- (cf. 3100 - Budget)*
- (cf. 3300 - Expenditures and Purchases)*
- (cf. 3311 - Bids)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 3552 - Summer Meal Program)*
- (cf. 5030 - Student Wellness)*

The Superintendent or designee shall ensure that all food service personnel possess appropriate qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program.

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

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Pursuant to 42 USC 1776, such districts must ensure that food service personnel who conduct or oversee administrative procedures and other appropriate personnel receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see the CDE's web site.

In addition, on a date to be determined by the U.S. Secretary pursuant to 42 USC 1776, food service directors will be required to meet minimum requirements related to education, training, and certification.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE). (42 USC 1776)

**Meal Sales**

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias, or other costs determined by Governing Board resolution, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. In setting prices for students who are not eligible for the free and reduced-price meal program, 42 USC 1760 requires schools to charge those students a price that is, on average, equal to the difference between free meal reimbursement and paid meal reimbursement. Schools that charge less than the average are required to gradually increase their prices over time until they meet the requirement or may cover the difference with nonfederal funds. 42 USC 1760 provides that the price shall generally not increase more than 10 cents each year, but allows districts to establish a higher increase at their discretion.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

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

Note: The following paragraph is **optional**. Pursuant to Education Code 38082, the Board may, by formal resolution, authorize the serving of meals to persons other than those listed above. In Management Bulletin No. 00-111, the CDE states that the Board's policy or resolution must specify the circumstances under which those other persons will be served and indicates that using funds from the National School Lunch or Breakfast Program to serve any nonstudent would be contrary to program goals.

Meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

**Cafeteria Fund**

Note: Pursuant to Education Code 38090, money received for the sale of food or for any services performed by the cafeterias may be paid into the county treasury to the credit of a "cafeteria fund" for the district.

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

## FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: Education Code 38103 allows the Board, at its discretion and with the approval of the County Superintendent of Schools who is responsible for a countywide payroll/retirement system under Education Code 42646, to have wages, salaries, and benefits of food service employees paid either from the district's general fund (Option 1 below) or from the district's cafeteria fund (Option 2).

~~**OPTION 1:** The wages, salaries, and benefits of food service employees shall be paid from the district's general fund. At any time, the Board may order reimbursement from the district's cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)~~

**OPTION 2:** The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

Note: The following **optional** paragraph may be revised to reflect district practice. 2 CFR 225 and U.S. Department of Agriculture (USDA) guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Also see the accompanying administrative regulation.

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

*(cf. 3400 - Management of District Assets/Accounts)*

*(cf. 3460 - Financial Reports and Accountability)*

### Contracts with Outside Services

Note: The following section is **optional**. Pursuant to Education Code 45103.5, the district is authorized to contract for consulting services related to food service management. 42 USC 1758, 7 CFR 210.16, and Education Code 45103.5 authorize a district, under specified conditions and with approval of the CDE, to contract with a food service management company to manage its food service operation in one or more of its schools. See the accompanying administrative regulation for related requirements.

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

### Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

Note: The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. Each district is reviewed at least once every three years. USDA correspondence dated August 30, 2013, provides a list of documents that may be requested by the CDE for the review.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

*(cf. 3555 - Nutrition Program Compliance)*

*Legal Reference:*

EDUCATION CODE

38080-38086 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49554 Contract for services

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

225 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

250.1-250.70 USDA foods

*Management Resources: (see next page)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

*Cafeteria Funds--Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013*

*Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012*

*Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010*

*Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SNP-01-2008, February 2008*

*Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, Management Bulletin 00-111, July 2000*

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Financial Management of the School Meal Programs, Correspondence, August 30, 2013*

*Indirect Costs: Guidance for State Agencies and School Food Authorities, 2011*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*FAQs About School Meals*

WEB SITES

*California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>*

*California School Nutrition Association: <http://www.calsna.org>*

*U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>*

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

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

**Payments for Meals**

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Management Bulletin USDA-SNP-01-2008 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day. However, payment and pricing policies for full-price meals are at the discretion of the district and may include decisions on whether or not to extend credit or provide an alternate meal to students in the event of nonpayment.

The following **optional** section includes recommendations of the CDE's Management Bulletin and the U.S. Department of Agriculture's (USDA) "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3552 - Summer Meal Program)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3555 - Nutrition Program Compliance)*

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

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

Students and their parents/guardians shall be notified whenever their account has a zero balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

Note: The following **optional** paragraph may be revised to reflect district practice. According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets



**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved; (2) issues at least one advance warning to the student or his/her parent/guardian prior to refusing to issue a replacement ticket; and (3) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports his/her tickets as lost or stolen. However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, shall not require a student to pay a bill that appears to be the result of identity theft, and shall open a new account with a new account number for a student who appears to be the subject of identity theft.

*(cf. 1340 - Access to District Records)*

*(cf. 3580 - District Records)*

**Reimbursement Claims**

Note: To streamline administration of state and federal meal programs, the CDE has developed an online Child Nutrition Information and Payment System which must be used to submit reimbursement claims and to submit and track the status of applications and USDA food requests.

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

**Cafeteria Fund**

Note: Education Code 38091 authorizes the Governing Board to establish one or more cafeteria revolving accounts to be treated as revolving cash accounts of the cafeteria fund.

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091)

*(cf. 3100 - Budget)*

*(cf. 3300 - Expenditures and Purchases)*

Note: Education Code 38100-38103 specify allowable expenditures from the cafeteria fund. AB 86 (Ch. 48, Statutes of 2013) repealed Education Code 38102, which had authorized the establishment of a cafeteria equipment reserve fund to be used for the purchase, lease, maintenance, or replacement of cafeteria equipment.

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 225, and the California School Accounting Manual. (Education Code 38091, 38101; 2 CFR 225)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

*(cf. 3110 - Transfer of Funds)*

Note: The following **optional** paragraph may be revised to reflect district practice. 2 CFR 225 and USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Note: Pursuant to 2 CFR 210.2 and 210.14, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. The spending plan developed by the district under such circumstances must be approved by the CDE.

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (2 CFR 210.14)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)**U.S. Department of Agriculture Foods**

Note: The following **optional** section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. The CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, the USDA must ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.60)

**Contracts with Outside Services**

Note: The following **optional** section is for use by districts that contract for food service management services pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts in the district; see the accompanying Board policy.

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

*(cf. 3312 - Contracts)*

*(cf. 3515.6 - Criminal Background Checks for Contractors)*

*(cf. 3600 - Consultants)*

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 4212 - Appointments and Conditions of Employment)*

**OTHER FOOD SALES**

**Requirements for Schools Not Participating in Federal Meal Program**

Note: The following section is for use by districts that have one or more schools that do not participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Requirements for other schools are described below in the section "Requirements for Schools Participating in Federal Meal Program."

Food sales outside the district's food service program that occur on school premises during the school day are subject to the nutrition standards specified in Education Code 49431-49431.7, as amended by AB 626 (Ch. 706, Statutes of 2013). These include nutrition standards for foods in elementary schools (Education Code 49431) and middle and high schools (Education Code 49431.2) and for beverages in all schools (Education Code 49431.5), as well as a prohibition against the sale of foods containing artificial trans fat at any grade level (Education Code 49431.7). See AR 3550 - Food Service/Child Nutrition Program for further information regarding nutrition standards.

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578.

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

Note: Pursuant to Education Code 49431-49431.5, foods and beverages that do not comply with state nutrition standards may be sold outside of the district's food services program under certain conditions. As amended by AB 626 (Ch. 706, Statutes of 2013), Education Code 49431-49431.5 provide that the same requirements apply to sales of both foods and beverages and to all grade levels. AB 626 also amended Education Code 49431 and 49431.5 to eliminate the requirement that sales of noncompliant foods and beverages in elementary schools only be allowed if the items are sold by students of the school.

The sale of foods or beverages that do not comply with the standards in Education Code 49431-49431.5 may be permitted in either of the following circumstances: (Education Code 49431-49431.5)

1. The sale takes place off and away from school premises.
2. The sale takes place on school premises at least one-half hour after the end of the school day.

*(cf. 1230 - School-Connected Organizations)*  
*(cf. 1321 - Solicitations of Funds from and by Students)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*

**Requirements for Schools Participating in Federal Meal Program**

Note: The following section is for use by districts that have one or more schools participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). 7 CFR 210.11 and 220.12 **mandate** that such districts adopt rules and regulations to ensure compliance with federal requirements for competitive foods.

**OTHER FOOD SALES** (continued)

Pursuant to 42 USC 1779, the U.S. Secretary of Agriculture has established nutrition standards which are consistent with the most recent Dietary Guidelines for Americans and apply to all foods sold outside the school meal programs on school campuses at any time during the school day. These standards are contained in 7 CFR 210.11 and 220.12, as amended by 78 Fed. Reg. 125, and must be implemented by July 1, 2014.

Note that, in some instances, state nutrition standards (Education Code 49431-49431.7) may be stricter than federal standards. In such cases, the stricter standard prevails. In addition, although 7 CFR 210.11 and 220.12 allow states to adopt criteria for special exemptions from nutrition standard compliance for infrequent school-sponsored fundraisers, the California Department of Education (CDE) provides no exemption. Thus, all infrequent school-sponsored fundraisers are subject to the same rules as other outside food sales.

For any district school participating in the National School Lunch and/or Breakfast Program, food and beverage sales conducted outside the district's food service program on school campuses during the school day shall comply with applicable nutritional standards specified in 7 CFR 210.11 and 220.12 or with state nutrition standards in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578, whichever rule is stricter.

Note: As amended by 78 Fed. Reg. 125, 7 CFR 210.11 adds the following definition of "school day" for purposes of the regulations governing competitive food and beverage sales.

These standards shall apply to all competitive foods and beverages sold from midnight before the school day to one-half hour after the end of the school day. (7 CFR 210.11)

Note: The remainder of this section reflects 5 CCR 15500-15501 pertaining to sales by student organizations in schools that participate in a federal meal program, but delegates to the Superintendent or designee the responsibility for approval of the specific food item to be sold; see the accompanying Board policy.

To the extent that any Title 5 requirement conflicts with the nutrition standards specified in Education Code 49431-49431.7 or federal law, the stricter standard prevails. Thus, although 5 CCR 15500 provides that a student organization may only sell a dessert-type item, such as a pastry, ice cream, or fruit, stricter state and federal nutrition standards supersede and so this provision is not reflected in the list below.

Items #1-6 below are for use by districts that maintain any of grades K-8.

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization sells only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee in accordance with Board policy.

**OTHER FOOD SALES** (continued)

3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is not one sold in the district's food service program at that school during that school day.

Note: Items #1-4 below are for use by districts that maintain middle schools or high schools.

In any middle or high school, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
2. The specific nutritious food items are approved by the Superintendent or designee in accordance with Board policy.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

Note: 7 CFR 210.11, as amended by 78 Fed. Reg. 125, requires the district to maintain specified records.

The Superintendent or designee shall maintain records, or shall require organizations selling foods and beverages to maintain records, to document compliance with federal nutrition standards for all competitive foods and beverages sold through and outside the district's food services program. At a minimum, these records shall include receipts, nutrition labels, and/or product specifications. (7 CFR 210.11)

## All Personnel

BP 4111(a)

4211

## RECRUITMENT AND SELECTION

4311

Note: The following **optional** policy may be revised to reflect district practice and any related provisions of collective bargaining agreements.

The Governing Board should ensure that district hiring procedures are designed to minimize the possibility of hiring unsuitable or undesirable individuals to avoid liability for negligent hiring. In C.A. v. William S. Hart Union High School District, the California Supreme Court held that defendant district could be vicariously liable for negligence of its administrators and supervisors in the hiring, retention, and supervision of a counselor who sexually harassed and/or abused a student.

The Governing Board is committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficiency of district operations.

*(cf. 0100 - Goals for the School District)*

*(cf. 4000 - Concepts and Roles)*

*(cf. 4100 - Certificated Personnel)*

*(cf. 4200 - Classified Personnel)*

*(cf. 4300 - Administrative and Supervisory Personnel)*

The Superintendent or designee shall develop fair, open, and transparent recruitment and selection processes and procedures which ensure that individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

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

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)*

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she also shall disseminate job announcements to ensure a wide range of candidates.

Note: The following **optional** paragraph should be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41533), which allowed funding to be used for purposes of the Teaching as a Priority block grant including incentives to recruit or retain credentialed teachers in schools ranked in the bottom half of the Academic Performance Index, into the local control funding formula. At their discretion, districts may continue to offer incentives (e.g., signing bonuses, improved work conditions, additional compensation, housing subsidies) to recruit teachers, administrators, or other employees in accordance with district needs.

With Board approval, the Superintendent or designee may provide incentives to recruit teachers, administrators, or other employees to work in low-performing schools or in hard-to-fill positions.

*(cf. 4113 - Assignment)*



**RECRUITMENT AND SELECTION** (continued)

The district's selection procedures shall include screening processes, interviews, observations, and recommendations from previous employers as necessary to identify the best possible candidate for a position. The Superintendent or designee may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

*(cf. 2230 - Representative and Deliberative Groups)*

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

Note: The following paragraph should be modified to reflect district practice.
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For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

*(cf. 4112 - Appointment and Conditions of Employment)*  
*(cf. 4112.2 - Certification)*  
*(cf. 4112.22 - Staff Teaching English Language Learners)*  
*(cf. 4112.23 - Special Education Staff)*  
*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*  
*(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)*  
*(cf. 4212 - Appointment and Conditions of Employment)*  
*(cf. 4312.1 - Contracts)*

*Legal Reference: (see next page)*

## RECRUITMENT AND SELECTION (continued)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

41530-41533 Professional Development Block Grant

44066 Limitations on certification requirement

44259 Teaching credential; exception; designated subjects; minimum requirements

44735 Teaching as a Priority block grant

44740-44741 Personnel management assistance teams

44750 Teacher recruitment resource center

44830-44831 Employment of certificated persons

44858 Age or marital status in certificated positions

44859 Prohibition against certain rules and regulations re: residency

45103-45139 Employment (classified employees)

49406 Examination for tuberculosis

#### GOVERNMENT CODE

815.2 Liability of public entities and public employees

12900-12996 Fair Employment and Housing Act, including:

12940-12956 Discrimination prohibited; unlawful practices

#### UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigration related practices

#### UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

#### COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

### Management Resources:

#### WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Education Job Opportunities Information Network: <http://www.edjoin.org>

Teach USA: <http://www.calteach.org>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

**STAFF DEVELOPMENT**

Note: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. However, the Public Employment Relations Board (PERB) has found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment. (United Faculty of Contra Costa Community College District v. Contra Costa Community College District) Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of agreement, may be determined by PERB on a case-by-case basis.

The Governing Board believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

*(cf. 6111 - School Calendar)*

Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The district's staff development program should be aligned with its priorities and goals as outlined in the LCAP and other applicable district and school plans.

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, the local control and accountability plan, and other district and school plans.

*(cf. 0000 - Vision)*

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

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

*(cf. 0420.1 - School-Based Program Coordination)*

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

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(cf. 0520.4 - Quality Education Investment Schools)*

Note: Pursuant to Education Code 99242, the Math and Reading Professional Development program self-repealed on January 1, 2013. In addition, AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41533) into the local control funding formula. At their discretion, districts may design professional development opportunities to meet the purposes of these programs or other local needs. Items #1-11 below are **optional**.

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

**STAFF DEVELOPMENT** (continued)

1. Mastery of subject-matter knowledge, including current state and district academic standards

*(cf. 6011 - Academic Standards)*  
*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*  
*(cf. 6142.3 - Civic Education)*  
*(cf. 6142.5 - Environmental Education)*  
*(cf. 6142.6 - Visual and Performing Arts Education)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.91 - Reading/Language Arts Instruction)*  
*(cf. 6142.92 - Mathematics Instruction)*  
*(cf. 6142.93 - Science Instruction)*

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction

*(cf. 0440 - District Technology Plan)*

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students

*(cf. 4112.22 - Staff Teaching English Language Learners)*  
*(cf. 4112.23 - Special Education Staff)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6141.5 - Advanced Placement)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6175 - Migrant Education Program)*

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

*(cf. 6178 - Career Technical Education)*

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

**STAFF DEVELOPMENT** (continued)

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, tolerance, and discipline, including conflict resolution and hatred prevention

*(cf. 5131 - Conduct)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

9. Ability to interpret and use data and assessment results to guide instruction

*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 6162.5 - Student Assessment)*

10. Knowledge of topics related to student health, safety, and welfare

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.5 - Sex Offender Notification)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.63 - Steroids)*  
*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5141.52 - Suicide Prevention)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

11. Knowledge of topics related to employee health, safety, and security

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 4158/4258/4358 - Employee Security)*

Note: The following **optional** paragraph may be revised to reflect district practice. Education Code 44277 encourages districts to establish professional growth programs that give individual teachers a wide range of options and significant roles in determining the course of their professional growth. Districts may assist teachers with preliminary credentials to meet the qualifications required for a professional clear credential,

**STAFF DEVELOPMENT** (continued)

and are required to provide staff development and support to teachers participating in internship programs (Education Code 44325-44328, 44450-44468, and 44830.3). In addition, 20 USC 6319 requires that the Title I local educational agency plan include professional development designed to enable teachers of core academic subjects to meet the requirements of the No Child Left Behind Act for "highly qualified" teachers; see BP/AR 4112.24 - Teacher Qualifications Under the No Child Left Behind Act.

The Superintendent or designee may, in conjunction with individual teachers and interns, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

*(cf. 4131.1 - Beginning Teacher Support/Induction)*

*(cf. 4138 - Mentor Teachers)*

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

*(cf. 4115 - Evaluation/Supervision)*

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

## STAFF DEVELOPMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

41530-41533 *Professional Development Block Grant*  
44032 *Travel expense payment*  
44259.5 *Standards for teacher preparation*  
44277 *Professional growth programs for individual teachers*  
44325-44328 *District interns*  
44450-44468 *University internship program*  
44570-44578 *Inservice training, secondary education*  
44580-44591 *Inservice training, elementary teachers*  
44630-44643 *Professional Development and Program Improvement Act of 1968*  
44700-44705 *Classroom teacher instructional improvement program*  
45028 *Salary schedule and exceptions*  
48980 *Notification of parents/guardians: schedule of minimum days*  
56240-56245 *Staff development; service to persons with disabilities*  
99200-99206 *Subject matter projects*

#### GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*

#### CODE OF REGULATIONS, TITLE 5

13025-13044 *Professional development and program improvement*

#### UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*  
6601-6702 *Preparing, Training and Recruiting High Quality Teachers and Principals*

#### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*State Board of Education Guidelines and Criteria for Approval of Training Providers, March 2008*

#### COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*California Standards for the Teaching Profession, 2009*

#### WEB SITES

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

California Department of Education, Professional Development: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmf.ucop.edu>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

**STAFF DEVELOPMENT**

Note: Staff development is not one of the enumerated items within the scope of collective bargaining pursuant to Government Code 3543.2. However, the Public Employment Relations Board (PERB) has found that some aspects of staff development may be negotiable if they are related to an enumerated subject of bargaining, such as working hours, wages, or other enumerated terms or conditions of employment. (United Faculty of Contra Costa Community College District v. Contra Costa Community College District) Because the terms "staff development" and "training" are not always clear, their negotiability, in the absence of agreement, may be determined by PERB on a case-by-case basis.

Pursuant to Education Code 45391, as added by SB 590 (Ch. 723, Statutes of 2013), a district that expends funds for professional development for any school site staff must consider the needs of its classified school employees to update their skills and learn best practices.

Pursuant to Education Code 45387, the Governing Board may authorize a permanent classified employee to attend job-related inservice training with pay during working hours for one or more school days each year.

The Governing Board recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

*(cf. 3100 - Budget)*

*(cf. 3350 - Travel Expenses)*

*(cf. 4200 - Classified Personnel)*

*(cf. 4261.3 - Professional Leaves)*

Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The district's staff development program should be aligned with its priorities and goals as outlined in the LCAP and other applicable district and school plans.

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

*(cf. 0000 - Vision)*

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

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

*(cf. 0420.1 - School-Based Program Coordination)*

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

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*



**STAFF DEVELOPMENT** (continued)

Note: Items #1-10 below reflect **optional** topics for professional development of classified staff specified in Education Code 45391, as added by SB 590 (Ch. 723, Statutes of 2013), and may be revised to reflect district practice.

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics: (Education Code 45391)

1. Student learning and achievement
  - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
  - b. Alignment of curriculum and instructional materials with Common Core State Standards
  - c. The management and use of state and local student data to improve student learning
  - d. Best practices in appropriate interventions and assistance to at-risk students

*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 5121 - Grades/Evaluation of Student Achievement)*  
*(cf. 5123 - Promotion/Acceleration/Retention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6143 - Courses of Study)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - State Academic Achievement Tests)*

2. Student and campus safety

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 3515.5 - Sex Offender Notification)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*  
*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*

**STAFF DEVELOPMENT** (continued)

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

3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance

*(cf. 0440 - District Technology Plan)*  
*(cf. 1114 - District-Sponsored Social Media)*  
*(cf. 4040 - Employee Use of Technology)*  
*(cf. 6163.4 - Student Use of Technology)*

4. School facility maintenance and operations, including new research and best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites

*(cf. 3510 - Green School Operations)*  
*(cf. 3511- Energy and Water Management)*

5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*  
*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

6. School transportation and bus safety

*(cf. 3540 - Transportation)*  
*(cf. 3541- Transportation for School-Related Trips)*  
*(cf. 3541.2 - Transportation for Students with Disabilities)*  
*(cf. 3542 - Bus Drivers)*  
*(cf. 3543 - Transportation Safety and Emergencies)*

7. Parent involvement, including ways to increase parent involvement at school sites

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 6020 - Parent Involvement)*

8. Food service, including new research on food preparation to provide nutritional meals and food management

*(cf. 3550 - Food Service/Child Nutrition Program)*  
*(cf. 3551 - Food Service Operations/Cafeteria Fund)*  
*(cf. 3555 - Nutrition Program Compliance)*

## STAFF DEVELOPMENT (continued)

### 9. Health, counseling, and nursing services

- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.23 - Asthma Management)*
- (cf. 5141.24 - Specialized Health Care Services)*
- (cf. 5141.26 - Tuberculosis Testing)*
- (cf. 5141.27 - Food Allergies/Special Dietary Needs)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.52 - Suicide Prevention)*
- (cf. 5141.6 - School Health Services)*
- (cf. 6164.2 - Guidance/Counseling Services)*

### 10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

- (cf. 3514 - Environmental Safety)*
- (cf. 3514.1 - Hazardous Substances)*
- (cf. 3514.2 - Integrated Pest Management)*
- (cf. 6161.3 - Toxic Art Supplies)*

Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41533) into the local control funding formula. The following **optional** paragraph is for use by districts that choose to continue to offer a professional development program designed to meet the purposes of this program.

For classroom instructional aides, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students.

*(cf. 4131 - Staff Development)*

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

*(cf. 4215 - Evaluation/Supervision)*

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**STAFF DEVELOPMENT** (continued)

*Legal Reference:*

EDUCATION CODE

41530-41533 *Professional Development Block Grant*

44032 *Travel expense payment*

45380-45387 *Retraining and study leave (classified employees)*

45390-45392 *Professional development for classified school employees*

52060-52077 *Local control and accountability plan*

56240-56245 *Staff development; service to persons with disabilities*

GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085*

*Management Resources:*

WEB SITES

*California Association of School Business Officials: <http://www.casbo.org>*

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

**STAFF DEVELOPMENT**

The Governing Board recognizes that professional development enhances employee effectiveness and contributes to personal growth. Staff development for administrative and supervisory personnel shall be designed to guide institutional improvement, build leadership skills, and enhance overall management efficiency.

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

Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The district's staff development program should be aligned with its priorities and goals as outlined in the LCAP and other applicable district and school plans.

The Superintendent or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of district students and staff and is aligned to the district's vision, goals, local control and accountability plan, and other comprehensive plans.

*(cf. 0000 - Vision)*

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

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

*(cf. 0420.1 - School-Based Program Coordination)*

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

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(cf. 0520.4 - Quality Education Investment Schools)*

Note: Pursuant to Education Code 44517, the state's Administrator Training Program self-repealed on January 1, 2013. Funding for that program has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the content of the district's staff development program for administrators may be adapted to meet district needs. Items #1-10 below are **optional**.

The district's staff development program for district and school administrators may include, but is not limited to, the following topics:

1. Personnel management, including best practices on hiring, recruitment, assignment, and retention of staff

*(cf. 4111/4211/4311 - Recruitment and Selection)*

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

*(cf. 4113 - Assignment)*

2. Effective fiscal management and accountability practices

*(cf. 3100 - Budget)*

*(cf. 3460 - Financial Reports and Accountability)*

**STAFF DEVELOPMENT** (continued)

3. Academic standards and standards-aligned curriculum and instructional materials

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

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

4. Leadership training to improve the academic achievement of all students, including capacity building in pedagogies of learning, instructional strategies that meet the varied learning needs of students, and student motivation

5. The use of student assessments, including analysis of disaggregated assessment results to identify needs and progress of student subgroups

*(cf. 6162.5 - Student Assessment)*

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

*(cf. 6162.52 - High School Exit Examination)*

6. The use of technology to improve student performance and district operations

*(cf. 0440 - District Technology Plan)*

7. Creation of safe and inclusive school environments

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

*(cf. 5137 - Positive School Climate)*

8. Parental involvement and community collaboration

*(cf. 1240 - Volunteer Assistance)*

*(cf. 6020 - Parent Involvement)*

9. Employee relations

10. Effective school and district planning processes

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

*(cf. 4315 - Evaluation/Supervision)*

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**STAFF DEVELOPMENT** (continued)

*Legal Reference:*

EDUCATION CODE

44681-44689.2 *Administrator training and evaluation*

52060-52077 *Local control and accountability plan*

*Management Resources:*

WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS PUBLICATIONS

*California Professional Standards for Educational Leaders, 2001*

WEB SITES

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

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

*California School Leadership Academy: <http://www.csla.org>*

*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

*WestEd: <http://www.wested.org>*

**PROMOTION/ACCELERATION/RETENTION**

Note: Education Code 48070 and 48070.5 **mandate** that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions.

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

- (cf. 6011 - Academic Standards)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)*
- (cf. 6162.52 - High School Exit Examination)*
- (cf. 6170.1 - Transitional Kindergarten)*

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Note: Education Code 48070.5 **mandates** that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly.

Education Code 48070.5 further **mandates** that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5

Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9).



**PROMOTION/ACCELERATION/RETENTION** (continued)

- 4. Between the end of the intermediate grades and the beginning of the middle school grades
- 5. Between the end of the middle school grades and the beginning of the high school grades

Note: Education Code 48070.5 **mandates** that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation.

Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regards to special education students, the determination as to the appropriate standards for promotion or retention should be made as part of the IEP process; see BP/AR 6159 - Individualized Education Program.

Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below.

~~**OPTION 1:** Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:~~

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

*(cf. 5149 - At-Risk Students)*

Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), beginning in the 2013-14 school year, the state assessment system will transition from the Standardized Testing and Reporting (STAR) program to the California Assessment of Student Performance and Progress; see BP/AR 6162.51 - State Academic Achievement Tests. Thus, districts selecting Option 2 below should determine the availability and appropriateness of state assessments for the purpose of identifying students who should be retained and who are at risk of being retained.

The California Department of Education's FAQs Pupil Promotion and Retention states that STAR results may not be the exclusive criterion for promotion or retention since the test has not been certified for that purpose; thus, other indicators must also be used. These other indicators of achievement (e.g., grades, district assessments, portfolios, attendance) should be specified in the blanks provided below.

**PROMOTION/ACCELERATION/RETENTION** (continued)

**OPTION 2:** Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by the results of state assessments administered pursuant to Education Code 60640-60649 and the following additional indicators of academic achievement:

***Site Student Study Team recommendations and local assessment results***

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*(cf. 5149 - At-Risk Students)*

*(cf. 6162.5 - Student Assessment)*

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

Note: The remainder of this policy is for use by all districts.

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

Note: Education Code 48070.5 **mandates** that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Note: Education Code 48070.5 **mandates** that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

Note: Education Code 48070.5 requires that the Board adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language

**PROMOTION/ACCELERATION/RETENTION** (continued)

fulfilling this mandate. However, funding for supplemental instructional categorical programs for students in grades 2-9 who have been retained or recommended for retention (Education Code 37252.2) and for students in grades 2-6 who have been identified as being at risk of retention (Education Code 37252.8) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the district may design supplemental instructional programs for these purposes in a manner that meets district and student needs.

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 - *Weekend/Saturday Classes*)  
 (cf. 6177 - *Summer Learning Programs*)  
 (cf. 6179 - *Supplemental Instruction*)

*Legal Reference:*EDUCATION CODE37252-37254.1 *Supplemental instruction*41505-41508 *Pupil Retention Block Grant*46300 *Method of computing average daily attendance*48010 *Admittance to first grade*48011 *Promotion/retention following one year of kindergarten*48070-48070.5 *Promotion and retention*56345 *Elements of individualized education plan*60640-60649 *California Assessment of Student Performance and Progress*60850-60859 *Exit examination*CODE OF REGULATIONS, TITLE 5200-202 *Admission and exclusion of students**Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*FAQs Promotion, Retention, and Grading (students with disabilities)**FAQs Pupil Promotion and Retention**Kindergarten Continuance Form*WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>

**PROMOTION/ACCELERATION/RETENTION**

**Acceleration from Kindergarten to First Grade**

Note: Pursuant to Education Code 48010, a student will be admitted to first grade if his/her sixth birthday is on or before October 1 of the 2013-14 school year or September 1 of the 2014-15 school year and each school year thereafter; see AR 5111 - Admission.

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

*(cf. 5111 - Admission)*

Note: Pursuant to Education Code 48011, if a student does not meet the age eligibility requirement specified in Education Code 48010, he/she may be admitted to the first grade at the discretion of the administration of the district and with the consent of the student's parents/guardians. 5 CCR 200 **mandates** that the district adopt regulations setting forth procedures for early admission into first grade which ensure that students meet the minimum criteria outlined below. The district may specify additional criteria if desired.

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

**Continuation in Kindergarten**

Note: Education Code 46300 specifies that when a student has completed one year of kindergarten, his/her further attendance in kindergarten may be included in the computation of average daily attendance only if the district has on file for the student a signed continuance form, available on the California Department of Education's (CDE) web site, stating that the student shall continue in kindergarten for not more than one additional school year. This agreement is required for any student who continues in kindergarten after one year, even if he/she was admitted early pursuant to Education Code 48000.

**PROMOTION/ACCELERATION/RETENTION** (continued)

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

Note: The following **optional** paragraph is consistent with a recommendation on the CDE's kindergarten continuance form that the approval for a student's continuance not be given until near the anniversary of the student's admittance to kindergarten because children at this age often do not develop at steady or predictable rates. Permission obtained unreasonably far in advance could be found invalid.

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

**Retention at Other Grade Levels**

Note: The following section applies to grades 1-12. For indicators established by the Governing Board for the identification of students for retention at their current grade level, see the accompanying Board policy.

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

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

*(cf. 6162.5 - Student Assessment)*

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

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer Learning Programs)*

*(cf. 6179 - Supplemental Instruction)*

**PROMOTION/ACCELERATION/RETENTION** (continued)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

*(cf. 5145.6 - Parental Notifications)*

Note: The following paragraph is <b>optional</b> .
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The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

**Appeal Process**

Note: Education Code 48070.5 <b>mandates</b> that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; also see the accompanying Board policy. The following section provides a sample appeal process and may be revised to reflect district practice.
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Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

Note: The following paragraph is for use by districts that choose to allow the Superintendent or designee's decision to be appealed to the Board. Districts that authorize the Superintendent or designee to make the final determination should delete the following paragraph.
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The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 days of receipt of a written

**PROMOTION/ACCELERATION/RETENTION** (continued)

appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

*(cf. 5125 - Student Records)*

*(cf. 5125.3 - Challenging Student Records)*

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

Note: The following **optional** policy and accompanying administrative regulation apply to the administration of medication to students pursuant to Education Code 49414.5, 49414.7, 49423, and 49423.1; permissive guidelines in 5 CCR 600-611; and guidelines related to the training and supervision of nonmedical employees providing emergency medical assistance to students who suffer epileptic seizures (5 CCR 620-627, as amended by Register 2012, No. 44). For students identified as qualified for services under the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), prescribed medication must be administered in accordance with the student's individualized education program or Section 504 services plan. See also BP/AR 5141.24 - Specialized Health Care Services, BP/AR 6159 - Individualized Education Program, and BP/AR 6164.6 - Identification and Education Under Section 504.

This policy and regulation do not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services.

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

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

Note: 5 CCR 604 authorizes a parent/guardian to administer medication to his/her child or designate an individual to administer the medication, as specified below. In addition, California law allows students to carry and self-administer medication needed for the treatment or management of certain medical conditions, when the district has received a written request from the student's parent/guardian and written authorization from the student's authorized health care provider, as specified in the accompanying administrative regulation. Students have legal authorization to self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine for anaphylactic reactions pursuant to Education Code 49423, and inhaled asthma medication pursuant to Education Code 49423.1. Pursuant to 5 CCR 605, districts may choose to allow students to carry and self-administer other types of medication beyond those specifically authorized by the Education Code.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care



## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

*(cf. 1250 - Visitors/Outsiders)*

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

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

*(cf. 6116 - Classroom Interruptions)*

Note: The following **optional** paragraph may be revised to reflect district practice. 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 or public disaster. See CSBA's fact sheet [Pandemic Influenza](#).

In addition, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

### **Administration of Medication by School Personnel**

Note: Various provisions of state law allow districts to train nonmedical district employees (i.e., those who do not possess a medical license) to provide medical assistance to students at school when a credentialed school nurse or other licensed individual is unavailable. For example, Education Code 49414, 49414.5, and 49414.7 authorize the use of trained, unlicensed school employees to administer emergency medications to students suffering from allergic reactions, severe hypoglycemia, and epileptic seizures. Moreover, in [American Nurses Association v. Torlakson](#), the California Supreme Court held that, as with other prescription medications, state law permits trained, unlicensed school personnel to administer insulin to students in school in accordance with a written health care provider statement and parental consent.

Any medication prescribed by an authorized health care provider, including, but not limited to, emergency antiseizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423; 5 CCR 600)

## ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

Note: Certain medication-specific statutes that authorize unlicensed district employees to administer medication to students require that such employees be trained. For example, Education Code 49414.7 requires training by qualified medical personnel for unlicensed district employees who volunteer to administer emergency antiseizure medications to students who suffer epileptic seizures. Guidelines for the training and supervision of such unlicensed school employees have been adopted as 5 CCR 620-627 and are specified in the accompanying administrative regulation.

When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency antiseizure medication, auto-injectable epinephrine, insulin, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.5, 49414.7, 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

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

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

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

*Legal Reference:*

EDUCATION CODE

48980 *Notification at beginning of term*

49407 *Liability for treatment*

49408 *Emergency information*

49414 *Emergency epinephrine auto-injectors*

*Legal Reference continued: (see next page)*

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

*Legal Reference: (continued)*

EDUCATION CODE (continued)

49414.5 *Providing school personnel with voluntary emergency training*  
49414.7 *Emergency medical assistance: administration of epilepsy medication*  
49422-49427 *Employment of medical personnel, especially:*  
49423 *Administration of prescribed medication for student*  
49423.1 *Inhaled asthma medication*  
49480 *Continuing medication regimen; notice*

BUSINESS AND PROFESSIONS CODE

2700-2837 *Nursing, especially:*  
2726 *Authority not conferred*  
2727 *Exceptions in general*  
3501 *Definitions*

CODE OF REGULATIONS, TITLE 5

600-611 *Administering medication to students*  
620-627 *Administration of emergency antiseizure medication by trained volunteer nonmedical school personnel*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*  
1400-1482 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

COURT DECISIONS

*American Nurses Association v. Torlakson, (2013) 57 Cal.App.4th 570*

*Management Resources:*

CSBA PUBLICATIONS

*Pandemic Influenza, Fact Sheet, September 2007*

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

*Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007*

*Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004*

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

*Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003*

WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

California Department of Education, Health Services and School Nursing:

<http://www.cde.ca.gov/ls/he/hn>

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

Note: The following administrative regulation is **optional**. Generally, 5 CCR 600-611 provide permissive guidelines for districts to follow in administering prescribed medication to students. In addition, with respect to certain diseases or medical conditions, various provisions of state law require specific standards of training and supervision for employees who will provide medical assistance, in order to ensure that students are kept safe and liability risks to districts are minimized. Pursuant to Education Code 49414.7, the State Board of Education has adopted 5 CCR 620-627, as amended by Register 2012, No. 44, as guidelines for the training and supervision of employees who may administer emergency antiseizure medication to students suffering from epileptic seizures.

**Definitions**

*Authorized health care provider* means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

*Other designated school personnel* means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

*Medication* may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

*Emergency medical assistance for a student suffering an epileptic seizure* means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7; 5 CCR 621)

**Notifications to Parents/Guardians**

Note: Pursuant to Education Code 48980, districts must notify parents/guardians, at the beginning of each school year, of their rights and responsibilities under Education Code 49423 pertaining to the administration of medication to students by school employees and to self-administration of epinephrine by students. Though such notification is not required for self-administration of asthma and diabetes medication by students, it is recommended that the annual notification include those medications to facilitate implementation by school personnel. Parent/guardian responsibilities pursuant to Education Code 49423 are included in the section entitled "Parent/Guardian Responsibilities" below.

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### **Parent/Guardian Responsibilities**

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

Note: Education Code 49423 and 5 CCR 600 authorize districts to administer prescribed medication only upon receipt of written statements from the student's authorized health care provider and parent/guardian. Education Code 49414.7 and 5 CCR 626 require similar statements before school personnel may administer emergency antiseizure medication to students. In addition, appropriate statements must be received before students are allowed to carry and self-administer diabetes medication pursuant to Education Code 49414.5, auto-injectable epinephrine pursuant to Education Code 49423, or asthma medication pursuant to Education Code 49423.1. Districts may choose to allow students to carry and self-administer other types of medication beyond those authorized by the Education Code. If so, the district should modify the following section accordingly. See the accompanying Board policy.

1. Each school year, providing parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician. (Education Code 49480)

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

Note: Pursuant to Education Code 49414.7, if the district chooses to participate in a program to train nonmedical school employees who volunteer to provide emergency medical assistance to students suffering from epileptic seizures when licensed health care professionals are not available onsite, it must establish a district plan that includes item #3 below.

3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day. (Education Code 49414.7)

Note: Pursuant to 5 CCR 606, the district is authorized to establish rules for the delivery and storage of medication on a school site.

4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

**Parent/Guardian Statement**

Note: 5 CCR 603 authorizes the district to establish specific requirements regarding the parent/guardian's written statement. The following list should be modified to reflect the district's requirements.

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

**Health Care Provider Statement**

Note: Education Code 49423 and 49423.1 and 5 CCR 602 list items that the authorized health care provider's written statement must contain, as specified in items #1-4 below. Education Code 49414.7 and 5 CCR 626 contain requirements similar to items #1-3 for the administration of emergency epilepsy medication. Districts that request additional information in the statement should modify the following list accordingly.

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer auto-injectable epinephrine or prescribed diabetes or asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)
2. The name of the medication (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49414.7, 49423, 49423.1; 5 CCR 602, 626)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49423, 49423.1; 5 CCR 602)

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

Note: Items #5-7 below may be revised to reflect district practice.
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5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a district employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following: (Education Code 49414.7; 5 CCR 626)

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary
2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services
3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation
4. A statement that following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan

### **District Responsibilities**

Note: The following section should be modified to reflect district practice.
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**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered

Note: 5 CCR 601 specifies items that districts may, but are not required to, include in the medication log, as provided in item #4 below.
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4. Maintain for each student a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication

Note: 5 CCR 601 specifies items that may be included in the medication record, as detailed below. In addition, 5 CCR 607 authorizes the district to establish policies regarding documentation of medication, including the maintenance of the medication record.
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5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

*(cf. 5125 - Student Records)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6145.2 - Athletic Competition)*  
*(cf. 6153 - School-Sponsored Trips)*

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

Note: 5 CCR 609 authorizes the district to establish policies regarding unused, discontinued, or outdated medication.
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12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. Provide immediate medical assistance if needed and report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

### **Additional Requirements for Management of Epileptic Seizures**

Note: Pursuant to Education Code 49414.7, when a district chooses to participate in a program to train nonmedical district employees who volunteer to provide emergency medical assistance to students suffering from epileptic seizures when licensed health care professionals are not available onsite, the district is required to satisfy specific requirements, including developing a district plan with certain components. The requirements of Education Code 49414.7 that are similar to the requirements for administration of other types of medication are addressed in previous sections. Other requirements that are unique to this program are reflected in the following section.
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In addition to applicable provisions in the sections above, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7; 5 CCR 620-627)

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

1. Whenever a parent/guardian requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child, notification to the parent/guardian that the child may qualify for services or accommodations pursuant to 20 USC 1400-1482, the Individuals with Disabilities Education Act (IDEA), or 29 USC 794, Section 504 of the federal Rehabilitation Act of 1973 (Section 504).

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

2. The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the student's health care needs in school, if his/her parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504.

*(cf. 6159 - Individualized Education Program)*

3. The distribution of an electronic notice to school staff no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer school employee, the training that such volunteer school employee will receive, the voluntary nature of the program, and the timelines for the volunteer school employee to rescind his/her offer.

If no employee volunteers to administer emergency antiseizure medication to a student, the Superintendent or designee shall again notify the student's parent/guardian of the option to have the student assessed for services and accommodations under IDEA or Section 504.

4. An assurance that any employee who volunteers to administer an emergency antiseizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication.

When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training and a student who may need the administration of an emergency antiseizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency antiseizure medication.

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

(continued)

5. An assurance that any training provided for district employees who volunteer to administer emergency antiseizure medication to students shall include, but is not limited to:
  - a. Recognition and treatment of different types of seizures
  - b. Administration of an emergency antiseizure medication
  - c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room
  - d. Techniques and procedures to ensure student privacy

*(cf. 5022 - Student and Family Privacy Rights)*

6. A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.
7. Supervision of volunteer school employees by a licensed health care professional, in accordance with 5 CCR 627.

**MARRIED/PREGNANT/PARENTING STUDENTS**

Note: The following **optional** policy may be revised to reflect district practice. AB 97 (Ch. 47, Statutes of 2013) redirected funding for the California School Age Families Education (Cal-SAFE) program (Education Code 54740-54749) into the local control funding formula, thereby eliminating program requirements for Cal-SAFE.

The Governing Board recognizes that early marriage, pregnancy, or parenting may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

- (cf. 5113.1 - Chronic Absence and Truancy)*
- (cf. 5147 - Dropout Prevention)*
- (cf. 5149 - At-Risk Students)*
- (cf. 6011 - Academic Standards)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6146.11 - Alternative Credits Toward Graduation)*
- (cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*
- (cf. 6164.5 - Student Success Teams)*

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 20 USC 1681-1688)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 5127 - Graduation Ceremonies and Activities)*

Note: Pursuant to 34 CFR 106.40, the district cannot require a student to take a course or participate in special programs or schools for pregnant and parenting students; student participation must be voluntary and such programs or schools must be comparable to programs and schools offered to other students. 5 CCR 4950 requires "equal" educational programs, activities, and courses.

According to the U.S. Department of Education (USDOE) pamphlet Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, an alternative program need not offer identical courses to the regular school program in order to be considered "comparable." However, the program cannot provide only vocational courses with no opportunity for advanced academic or college preparatory courses. USDOE recommends that districts provide clear information about what courses are available, how credits are transferred between the regular program and alternative program, and how the student can meet graduation requirements.

Any education program or activity, including any class or extracurricular activity, that is offered separately to such students shall be comparable to that offered to other district students. A student's participation in such programs shall be voluntary. (34 CFR 106.40)

- (cf. 6142.7 - Physical Education and Activity)*
- (cf. 6145 - Extracurricular and Cocurricular Activities)*

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

Note: Pursuant to Family Code 7002, a married student under the age of 18 years is an emancipated minor and therefore has the same rights as a student who is an adult. Examples of such rights include, but are not limited to, the right to provide verification of his/her absences (see AR 5113 - Absences and Excuses), obtain absolute access to his/her student records (see AR 5125 - Student Records), and accept employment without a work permit (see AR 5113.2 - Work Permits).

For school-related purposes, a married student under the age of 18 years shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on participation rates in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

**Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

*(cf. 6158 - Independent Study)*

*(cf. 6181 - Alternative Schools/Programs of Choice)*

*(cf. 6184 - Continuation Education)*

*(cf. 6200 - Adult Education)*

Note: The following **optional** paragraphs may be revised to reflect district practice. According to the USDOE pamphlet Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, when necessary to ensure a pregnant student's access to the educational program, the district must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. Examples in the USDOE pamphlet include providing a larger desk,

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

allowing frequent trips to the restroom, or permitting temporary access to elevators as necessary. The school also must provide any services to pregnant students that it provides to other students with temporary medical conditions, such as at-home instruction or tutoring for students who miss school because of such medical conditions. The USDOE publication lists additional programs and strategies that, although not required by federal law, may assist in addressing the needs of pregnant and parenting students.

When necessary, the district shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program. A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. A lactating student shall have access to a private location, other than a restroom, to breastfeed or express milk for her infant child.

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

Note: The following **optional** paragraph is for use by districts that require any student with a physical or emotional condition requiring a physician's care to provide the physician's certification that the student is able to participate in an educational program or extracurricular activity. Pursuant to 34 CFR 106.40, a physician's certification cannot be required for participation of a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery unless the district imposes the same requirement on students with other medical conditions or "temporary disabilities." Thus, the district cannot require a pregnant student to provide a physician's note to participate in physical education classes unless required of all students with temporary medical conditions, but a pregnant student who cannot accomplish the requirements of the regular physical education curriculum may be offered an alternative physical education curriculum.

A student may be required, based on her pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that she is physically and emotionally able to participate in an educational program or activity, if other students with physical or emotional conditions or temporary disabilities are required by the district to provide such certification. (34 CFR 106.40)

Note: Items #1-7 below are **optional** and may be revised to reflect district practice.

To the extent feasible, educational and related support services shall be provided, either through the district or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

Note: Although AB 97 (Ch. 47, Statutes of 2013) eliminated the Cal-SAFE program which required participating districts to provide child care and development services on or near the school site for the children of parenting students, the district may choose to offer such services as an incentive to encourage the school attendance of parenting students as provided in item #1 below. Child care and development services are subject to applicable sections of Education Code 8200-8498 and the health and safety requirements of 22 CCR 101151-101239.2 and 101351-101439.1; see BP/AR 5148 - Child Care and Development.

**MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities

*(cf. 1020 - Youth Services)*

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

*(cf. 5148 - Child Care and Development)*

2. Parenting education and life skills instruction

Note: The federal Women, Infants, and Children grant program (42 USC 1786; 7 CFR 246.1-246.28) provides funding that may be used for special school nutrition supplements for low-income pregnant and lactating students as provided in item #3 below; see the U.S. Department of Agriculture's web site. Education Code 49553 specifies nutritional standards for these special school nutrition supplements.
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3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

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

*(cf. 5030 - Student Wellness)*

4. Health care services, including prenatal care

*(cf. 5141.6 - School Health Services)*

Note: Health and Safety Code 104460 requires districts receiving Tobacco-Use Prevention Education funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students; see AR 5131.62 - Tobacco.
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5. Tobacco, alcohol, and/or drug prevention and intervention services

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

6. Academic and personal counseling

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

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

*(cf. 6179 - Supplemental Instruction)*

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

*(cf. 4131 - Staff Development)*



## **MARRIED/PREGNANT/PARENTING STUDENTS** (continued)

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: The California Supreme Court ([American Academy of Pediatrics et al v. Lungren et al](#)) has clarified that students do not need parent/guardian consent before receiving confidential medical services. The Attorney General reached the same conclusion in 87 [Ops.Cal.Atty.Gen.](#) 168 (2004). See BP 5113 - Absences and Excuses.

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

*(cf. 5113 - Absences and Excuses)*

The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by her physician. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began. (34 CFR 106.40)

*(cf. 5112.3 - Student Leave of Absence)*

A pregnant or parenting student also may request exemption from attendance because of a related physical or mental condition or because of personal services that must be rendered to a dependent. (Education Code 48410)

*(cf. 5112.1 - Exemptions from Attendance)*

### *Legal Reference:*

#### EDUCATION CODE

230 *Sex discrimination*

8200-8498 *Child Care and Development Services Act*

48205 *Excused absences*

48220 *Compulsory education requirement*

48410 *Persons exempted from continuation classes*

49553 *Nutrition supplements for pregnant/lactating students*

51220.5 *Parenting skills and education*

51745 *Independent study*

52610.5 *Enrollment of pregnant and parenting students in adult education*

54740-54749 *Cal-SAFE program for pregnant/parenting students and their children*

*Legal Reference continued: (see next page)*

**MARRIED/PREGNANT/PARENTING STUDENTS (continued)**

*Legal Reference: (continued)*

FAMILY CODE

7002 *Description of emancipated minor*

HEALTH AND SAFETY CODE

104460 *Tobacco prevention services for pregnant and parenting students*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

4950 *Nondiscrimination, marital and parental status*

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General licensing requirements for child care centers*

101351-101439.1 *Infant care centers*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX, Education Act Amendments*

UNITED STATES CODE, TITLE 42

1786 *Special supplemental nutrition program for women, infants, and children*

CODE OF FEDERAL REGULATIONS, TITLE 7

246.1-246.28 *Special supplemental nutrition program for women, infants, and children*

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 *Marital or parental status*

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen. 168 (2004)*

COURT DECISIONS

*American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307*

*Management Resources:*

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

*Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements*

*The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013*

WEB SITES

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

California Women's Law Center: <http://www.cwlc.org>

U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>

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

**VISUAL AND PERFORMING ARTS EDUCATION**

Note: The following **optional** policy may be revised to reflect district practice. State law requires that visual and performing arts be included in the course of study offered in grades 1-6 (Education Code 51210) and grades 7-12 (Education Code 51220); see AR 6143 - Courses of Study. In addition, Education Code 51225.3 requires completion of one course in visual or performing arts, foreign language (including American Sign Language), or career technical education for high school graduation; see BP 6146.1 - High School Graduation Requirements.

AB 97 (Ch. 47, Statutes of 2013) redirected funding for arts and music block grants (established through uncodified SB 77, Ch. 171, Statutes of 2007) into the local control funding formula, thereby eliminating this separate source of funding for hiring of additional staff; purchase of new materials, books, supplies, and equipment; and/or staff development opportunities.

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall provide opportunities for creation, performance, and appreciation of the arts.

*(cf. 6143 - Courses of Study)*

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

Note: The State Board of Education (SBE) has adopted content standards for visual and performing arts, including standards for dance, music, theatre, and visual arts at each grade level for grades K-8 and as a cluster for grades 9-12. Items #1-5 below reflect the major strands of the state content standards. Also see the SBE-adopted [Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve](#) for further information about the development of standards-aligned curriculum and instruction.

The Board shall adopt academic standards for dance, music, theatre, and visual arts that describe the skills, knowledge, and abilities that students shall be expected to possess at each grade level. The district's standards shall meet or exceed state standards for each of these disciplines.

*(cf. 6011 - Academic Standards)*

The Superintendent or designee shall develop a sequential curriculum for dance, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following strands:

1. Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline
2. Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works
3. Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline

**VISUAL AND PERFORMING ARTS EDUCATION** (continued)

4. Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts
5. Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers

*(cf. 6141 - Curriculum Development and Evaluation)*

Note: Pursuant to Education Code 60200, the SBE adopts basic instructional materials for use in grades K-8, including materials for visual and performing arts; see BP/AR 6161.1 - Selection and Evaluation of Instructional Materials. Education Code 60210 authorizes the Governing Board to select materials that have not been approved by the SBE provided that the materials are aligned with state academic content standards and the majority of participants in the review process are teachers assigned to the subject area or grade level for which the materials will be used.

For grades 9-12, Education Code 60400 and 60411 authorize the Board to select district instructional materials that meet criteria specified in law.

The Board shall adopt standards-based instructional materials for visual and performing arts in accordance with applicable law, Board policy, and administrative regulation, which may incorporate a variety of media and technologies.

*(cf. 0400 - District Technology Plan)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6161.3 - Toxic Art Materials)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

*(cf. 6163.1 - Library Media Centers)*

Note: Education Code 99200-99205 establish The California Arts Project (TCAP), a statewide professional development project in the visual and performing arts. Professional development resources also may be located through the California Dance Education Association, the California Association for Music Education, the California Educational Theatre Association, and the California Art Education Association.

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement adopted instructional materials.

*(cf. 4131 - Staff Development)*

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and

**VISUAL AND PERFORMING ARTS EDUCATION** (continued)

work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1260 - Educational Foundation)*

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

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 6020 - Parent Involvement)*

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

The Superintendent or designee shall regularly evaluate the implementation of arts education at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

*(cf. 0500 - Accountability)*

*(cf. 6162.5 - Student Assessment)*

*Legal Reference: (see next page)*

**VISUAL AND PERFORMING ARTS EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

8950-8957 *California summer school of the arts*  
32060-32066 *Toxic art supplies*  
35330-35332 *Field trips*  
51210 *Course of study, grades 1-6*  
51220 *Course of study, grades 7-12*  
51225.3 *Graduation requirements*  
58800-58805 *Specialized secondary programs*  
60200-60210 *Instructional materials, elementary schools*  
60400-60411 *Instructional materials, high schools*  
99200-99206 *Subject matter projects*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve, 2004*

*Visual and Performing Arts Content Standards, January 2001*

*Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001*

WEB SITES:

CSBA: <http://www.csba.org>  
Arts Education Partnership: <http://aep-arts.org>  
California Alliance for Arts Education: <http://www.artsed411.org>  
California Arts Council: <http://www.cac.ca.gov>  
California Art Education Association: <http://www.caea-arteducation.org>  
California Dance Education Association: <http://www.cdeadance.org>  
California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>  
California Educational Theatre Association: <http://www.cetoweb.org>  
California Music Educators Association: <http://www.calmusiced.com>  
The California Arts Project: <http://csmp.ucop.edu/tcap>

**READING/LANGUAGE ARTS INSTRUCTION**

The Governing Board recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning and develops students' appreciation for literature. The program shall integrate reading and oral and written language arts activities in order to build effective communication skills.

*(cf. 6143 - Courses of Study)*

Note: In August 2010, the State Board of Education (SBE) adopted the Common Core State Standards pursuant to Education Code 60605.8, consisting of a set of national standards in English language arts and mathematics and additional standards added by the state. These standards are available on the California Department of Education's (CDE) web site. State curriculum frameworks, instructional materials adoptions, and assessments will be aligned to these standards, which all California schools are expected to implement in the 2014-15 school year. For further information about the standards and recommendations for implementation, see CSBA's Governing to the Core series of governance briefs.

For each grade level, the Board shall adopt academic standards that meet or exceed Common Core State Standards in the following strands:

1. Reading: Foundational skills, text complexity and analysis, and the growth of comprehension
2. Writing: Text types, responding to reading, production and distribution of writings, and research
3. Speaking and listening: Oral language development, comprehension, flexible communication, and collaboration
4. Language: Conventions, effective use, knowledge of language, and vocabulary

*(cf. 6011 - Academic Standards)*

Note: As a condition of receiving funds for instructional materials from any state source, Education Code 60119 requires the Board to annually hold a public hearing to determine whether each student in the district has sufficient standards-aligned textbooks or instructional materials in English/language arts and other specified subjects to use in class and to take home. For a definition of "sufficiency" for this purpose and a sample Board resolution, see BP/E 6161.1 - Selection and Evaluation of Instructional Materials.

The Superintendent or designee shall ensure that the district's reading/language arts program offers sufficient access to standards-aligned textbooks and other instructional materials. The program shall provide instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

## **READING/LANGUAGE ARTS INSTRUCTION** (continued)

*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*  
*(cf. 6163.1 - Library Media Centers)*

Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Pupil Retention Block Grant (Education Code 41505-41508), which allowed program funds to be used to provide a supplementary, intensive reading program for grades K-4, into the local control funding formula. At their discretion, districts may design a supplemental instructional program to meet the purposes of that program or other goals for reading performance.

Teachers are expected to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers. The program shall provide ongoing diagnosis of students' skills and, as needed, may provide supplementary instruction during the school day and/or outside the regular school session to assist students who are experiencing difficulty learning to read.

*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6176 - Weekend/Saturday Classes)*  
*(cf. 6177 - Summer Learning Programs)*  
*(cf. 6179 - Supplemental Instruction)*

Note: AB 97 (Ch. 47, Statutes of 2013) redirected funding for the Professional Development Block Grant (Education Code 41530-41532) and the Mathematics and Reading Professional Development Program (Education Code 99230-99242) into the local control funding formula. At their discretion, districts may provide professional development opportunities to meet the purposes of those programs or other local needs.

The Superintendent or designee shall make available professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' literacy levels, and mastery of a variety of instructional strategies and materials.

*(cf. 4131 - Staff Development)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

The Superintendent or designee shall provide the Board with data from state and district reading assessments and program evaluations to enable the Board to monitor program effectiveness.

*(cf. 0500 - Accountability)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - State Academic Achievement Tests)*  
*(cf. 6162.52 - High School Exit Examination)*



**READING/LANGUAGE ARTS INSTRUCTION** (continued)

(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*

EDUCATION CODE

41505-41508 *Pupil Retention Block Grant*

41530-41532 *Professional Development Block Grant*

44735 *Teaching as a Priority Block Grant*

44755-44757.5 *Teacher Reading Instruction Development Program, K-3*

51210 *Areas of study, grades 1-6*

51220 *Areas of study, grades 7-12*

60119 *Sufficiency of textbooks and instructional materials*

60200.4 *Fundamental skills*

60207 *Curriculum frameworks*

60350-60352 *Core reading program instructional materials*

60605 *State-adopted content and performance standards in core curricular areas*

60605.8 *Common Core standards*

99220-99221 *California Reading Professional Development Institutes*

99230-99242 *Mathematics and Reading Professional Development Program (AB 466 trainings)*

CODE OF REGULATIONS, TITLE 5

9535 *Purchase of nonadopted core reading program instructional materials*

11980-11985 *Mathematics and Reading Professional Development Program (AB 466 trainings)*

11991-11991.2 *Reading First achievement index*

UNITED STATES CODE, TITLE 20

6381-6381k *Even Start Family Literacy Program*

6383 *Improving literacy through school libraries*

*Management Resources:*

CSBA PUBLICATIONS

*Governing to the Core, Governance Briefs*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

*Common Core State Standards for English Language Arts, August 2010*

*English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve*

*Recommended Literature: Kindergarten Through Grade Twelve*

WEB SITES

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

California Department of Education, Reading/Language Arts: <http://www.cde.ca.gov/ci/rl>

## Will Keep CUSD's Local Policy

**Instruction**

BP 6146.1(a)

### HIGH SCHOOL GRADUATION REQUIREMENTS

Note: The following policy is for use by districts that maintain grades 9-12.

The Governing Board desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and employment.

*(cf. 5127 Graduation Ceremonies and Activities)*

*(cf. 5147 Dropout Prevention)*

*(cf. 5149 At Risk Students)*

*(cf. 6143 Courses of Study)*

*(cf. 6146.3 Reciprocity of Academic Credit)*

### Course Requirements

Note: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in items #1-6 below.

Pursuant to Education Code 66204, each district that maintains a high school also is required to develop a process for submitting courses to the University of California to ensure that they align with the "a-g" course requirements for college admission.

To obtain a high school diploma, students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)

*(cf. 6142.91 Reading/Language Arts Instruction)*

Note: Education Code 51224.5 provides that, as part of the mathematics requirement, students must complete coursework at least equivalent to state content standards for Algebra I. This requirement applies to all students, including students in alternative or continuing education, adult education, or special education. The State Board of Education may grant waivers for students on an individual basis.

2. Two courses in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses required for completion in grades 9-12, shall meet or exceed state academic content standards for Algebra I. (Education Code 51224.5)

Completion, prior to grade 9, of algebra coursework that meets or exceeds state academic content standards shall satisfy the algebra coursework requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

*(cf. 6011 Academic Standards)*

*(cf. 6142.92 Mathematics Instruction)*

**HIGH SCHOOL GRADUATION REQUIREMENTS** (continued)

- ~~3. Two courses in science, including biological and physical sciences (Education Code 51225.3)~~

~~(cf. 6142.93 Science Instruction)~~

- ~~4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one semester course in American government and civics; and a one semester course in economics (Education Code 51225.3)~~

~~(cf. 6142.3 Civic Education)~~

~~(cf. 6142.93 History Social Science Instruction)~~

Note: Education Code 51225.3 authorizes the Board to include a course in career technical education (CTE) as an alternative to the visual or performing arts or foreign language course requirement for high school graduation. If the Board chooses to do so, it must, at a regular Board meeting prior to allowing a CTE course as an alternative, notify parents/guardians, students, teachers, and the public of information specified in Education Code 51225.3. In addition, the information must be included in the district's annual notification to parents/guardians pursuant to Education Code 48980; see the accompanying administrative regulation. Districts that do not allow this alternative course requirement should delete references to CTE in item #5 below.

The CTE course may be offered through different means, including a district-operated program, regional occupational center or program, or county office of education program pursuant to a joint powers agreement. See BP/AR 6178 Career Technical Education and BP 6178.2 Regional Occupational Center/Program for program details pertaining to CTE.

- ~~5. One course in visual or performing arts, foreign language, including American Sign Language, or career technical education (CTE) (Education Code 51225.3)~~

~~To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.~~

~~(cf. 6142.2 World/Foreign Language Instruction)~~

~~(cf. 6142.6 Visual and Performing Arts Education)~~

~~(cf. 6178 Career Technical Education)~~

~~(cf. 6178.2 Regional Occupational Center/Program)~~

- ~~6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)~~

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

**HIGH SCHOOL GRADUATION REQUIREMENTS** (continued)

Note: Pursuant to Education Code 51225.3, the Board may prescribe additional coursework (e.g., service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

(cf. 6142.4 – Service Learning/Community Service Classes)

Note: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study; see BP/AR 6146.11 – Alternative Credits Toward Graduation.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 – Alternative Credits Toward Graduation)  
(cf. 6146.2 – Certificate of Proficiency/High School Equivalency)

Note: Education Code 51225.1, as added by AB 216 (Ch. 324, Statutes of 2013), requires the district to exempt from any district adopted coursework or graduation requirements a foster youth who transfers into the district or between district high schools after completing his/her second year of high school, unless the Superintendent or designee makes a finding that the youth is reasonably able to complete the requirements in time to graduate by the end of his/her fourth year of high school; see BP/AR 6173.1 – Education for Foster Youth. This exemption does not apply to state graduation requirements for course completion or the high school exit examination described below in the section "High School Exit Examination."

In addition, Education Code 49701 requires district officials to help facilitate the on time graduation of children of military families by waiving specific course requirements for graduation if the student has satisfactorily completed similar coursework in another district. If the district does not grant such a waiver, then "best efforts" must be used to provide the student with alternative means to acquire the required coursework so that he/she can graduate on time. See BP/AR 6173.2 – Education of Children of Military Families for language implementing this requirement.

The Superintendent or designee shall exempt or waive specific course requirements for foster youth or children of military families in accordance with Education Code 51225.1 and 49701.

(cf. 6173.1 – Education for Foster Youth)  
(cf. 6173.2 – Education for Children of Military Families)

**High School Exit Examination**

Note: Pursuant to Education Code 60850-60859, all students completing grade 12 must pass the California High School Exit Examination (CAHSEE) in language arts and mathematics in order to receive a high

**HIGH SCHOOL GRADUATION REQUIREMENTS** (continued)

school diploma. For students with disabilities, waivers and/or exemptions may apply; see BP/AR 6162.52—High School Exit Examination.

As a condition of high school graduation, each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics unless he/she receives a waiver or exemption. (Education Code 60851, 60859)

*(cf. 6146.4—Differential Graduation and Competency Standards for Students with Disabilities)*  
*(cf. 6159—Individualized Education Program)*  
*(cf. 6162.52—High School Exit Examination)*

Note: Education Code 60851 requires the district to provide supplemental instruction to students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the high school exit exam. Although funding for the categorical program for this purpose (Education Code 37252) was redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013), the requirement to provide supplemental instruction was not eliminated. The district must determine what criteria will be used to identify students who do not demonstrate "sufficient progress"; see BP 6179—Supplemental Instruction.

Supplemental instruction shall be offered to any student in grade 7-12 who does not demonstrate "sufficient progress," as defined in BP 6179—Supplemental Instruction, toward passing the exit exam. (Education Code 60851)

*(cf. 5148.2—Before/After School Programs)*  
*(cf. 6164.2—Guidance/Counseling Services)*  
*(cf. 6176—Weekend/Saturday Classes)*  
*(cf. 6177—Summer Learning Programs)*  
*(cf. 6179—Supplemental Instruction)*

Note: The following **optional** paragraph may be revised or deleted to reflect district practice regarding the provision of services and assistance to students who fail to pass the high school exit exam by the end of grade 12.

AB 97 (Ch. 47, Statutes of 2013) redirected into the local control funding formula the separate funding that could be used to provide intensive intervention and services, for up to two consecutive academic years after completion of grade 12, to students who have not passed one or both parts of the exit exam by the end of grade 12 (Education Code 37254). Since the requirement to provide intensive instruction and services depended on the availability of funds, the district may continue to offer such supplemental instruction at its discretion; see BP 6179—Supplemental Instruction.

In addition, the California Department of Education's web site lists other options that the district may offer to students who have satisfied all local and state graduation requirements by the end of grade 12 except for passage of the exit exam, including: (1) if space is available, enrollment for an additional year at a comprehensive high school if the student has been continuously enrolled; (2) enrollment in an alternative education program; (3) reclassification as a junior; (4) continuous enrollment in an independent study program or charter school; or (5) enrollment in an adult secondary school. Some community colleges offer non-credit adult education programs and grant high school diplomas without requiring passage of the exit exam. Students may also obtain a diploma equivalent by passing the California High School Proficiency Exam or the General Education Development test; see BP/AR 6146.2—Certificate of Proficiency/High School Equivalency.

**~~HIGH SCHOOL GRADUATION REQUIREMENTS~~** (continued)

~~Students who have passed all state and local graduation requirements by the end of grade 12 except one or both parts of the exit exam shall be informed of educational options available within the district and/or the community to enable them to continue their progress toward a high school diploma or the equivalent of a diploma.~~

~~(cf. 6158—Independent Study)~~

~~(cf. 6181—Alternative Schools/Programs of Choice)~~

~~(cf. 6184—Continuation Education)~~

Note: The following paragraph is **optional**. For those students who are unable to pass the exit exam by the end of their senior year, a district may consider granting a locally developed certificate of completion or some other form of recognition to indicate that the students have completed the district's required course of study. Such a certificate would not be the equivalent of a diploma and is separate from the certificate of educational achievement granted to special education students who are unable to pass the exit exam with appropriate modifications pursuant to Education Code 56390-56392; see BP 6146.4—Differential Graduation and Competency Standards for Students with Disabilities.

~~Students who have passed all graduation requirements by the end of grade 12 except one or both parts of the exit exam also are eligible to receive a certificate of completion or comparable form of recognition to indicate that they have completed the required course of study.~~

~~The Superintendent or designee shall regularly report to the Board regarding the number of students who have fulfilled all local and state graduation requirements except for the passage of the exit exam and the resources that have been offered to such students.~~

**Retroactive Diplomas**

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

~~The district may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a district school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. A deceased former student who satisfies these conditions may be granted a retroactive diploma to be received by his/her next of kin. (Education Code 51430)~~

~~In addition, the district may grant a diploma to a veteran who entered the military service of the United States while he/she was a district student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440)~~

*Legal Reference: (see next page)*

**~~HIGH SCHOOL GRADUATION REQUIREMENTS (continued)~~**

*Legal Reference:*

EDUCATION CODE

- ~~37252 Supplemental instructional programs~~
- ~~37254 Supplemental instruction based on failure to pass exit exam by end of grade 12~~
- ~~37254.1 Required student participation in supplemental instruction~~
- ~~47612 Enrollment in charter school~~
- ~~48200 Compulsory attendance~~
- ~~48412 Certificate of proficiency~~
- ~~48430 Continuation education schools and classes~~
- ~~48645.5 Acceptance of coursework~~
- ~~48980 Required notification at beginning of term~~
- ~~49701 Interstate Compact on Educational Opportunity for Military Children~~
- ~~51224 Skills and knowledge required for adult life~~
- ~~51224.5 Algebra instruction~~
- ~~51225.1 Exemption from district graduation requirements~~
- ~~51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course~~
- ~~51225.3 High school graduation~~
- ~~51225.5 Honorary diplomas; foreign exchange students~~
- ~~51228 Graduation requirements~~
- ~~51240-51246 Exemptions from requirements~~
- ~~51250-51251 Assistance to military dependents~~
- ~~51410-51412 Diplomas~~
- ~~51420-51427 High school equivalency certificates~~
- ~~51450-51455 Golden State Seal Merit Diploma~~
- ~~51745 Independent study restrictions~~
- ~~56390-56392 Recognition for educational achievement, special education~~
- ~~60850-60859 High school exit examination~~
- ~~66204 Certification of high school courses as meeting university admissions criteria~~

CODE OF REGULATIONS, TITLE 5

- ~~1600-1651 Graduation of students from grade 12 and credit toward graduation~~

COURT DECISIONS

- ~~*O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452*~~

*Management Resources:*

WEB SITES

- ~~CSBA: <http://www.csba.org>~~
- ~~California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>~~
- ~~University of California, List of Approved a-g Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>~~

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

Note: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), for students with disabilities who are exhibiting serious behavioral challenges, timely assessments and positive interventions and supports should be developed and implemented in accordance with the federal Individuals with Disabilities Education Act (IDEA) and its implementing regulations (20 USC 1400-1482; 34 CFR 300.1-300.818).

The following **optional** administrative regulation is based on guidance from the Office of Special Education Programs (OSEP) of the U.S. Department of Education.

Generally, any student identified as a student with a disability pursuant to the Individuals with Disabilities Education Act, 20 USC 1400-1482, is subject to the same disciplinary measures applicable to all students for violations of the code of conduct, except when the student's behavior is determined to be a manifestation of his/her disability.

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

Note: In efforts to ensure consistency with federal law, Education Code 56523, as amended by AB 86 (Ch. 48, Statutes of 2013), in effect, has repealed 5 CCR 3001 and deleted the requirement for a "behavioral intervention plan" (BIP) when a student with a disability exhibits a "serious behavioral problem" that significantly interferes with the implementation of the goals and objectives of his/her individualized education program. Instead, pursuant to Education Code 56521.2, as added by AB 86, a district is required to address any student behavior that impedes the student's own learning or the learning of other students.

However, when the behavior of a student with a disability impedes his/her learning or the learning of others, the student's individualized education program (IEP) team shall consider the use of positive behavioral interventions and supports and other strategies consistent with 20 USC 1414(d) to address the student's behavior. (Education Code 56521.2; 34 CFR 300.324)

If, pursuant to a manifestation determination conducted as specified in 34 CFR 300.530, the student's behavior is determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a BIP is already in place for the student, the IEP team shall review and modify the BIP to address the student's behavior. (Education Code 56520; 34 CFR 300.324, 300.530)

In addition, when the disciplinary removal of a student with a disability will result in a change in the student's placement as specified in 34 CFR 300.530, the student shall receive an FBA and behavioral intervention services and modifications designed to address the student's behavior so that it does not recur. (34 CFR 300.530)



## **BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

(continued)

### **Functional Behavioral Assessment**

Note: According to OSEP, because a functional behavioral assessment (FBA) is normally conducted to determine whether a student is, or continues to be, a student with a disability and/or the nature and the extent of special education and related services needed by that student, it is an evaluation for the purposes of the IDEA. Thus, an FBA is subject to requirements such as prior notice and parental consent and the sharing of the result of the assessment with the student's parents/guardians. For the required contents and format of the notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

Prior to providing any behavioral intervention service to a student with a disability, an FBA focusing on identifying the function or purpose of the student's behavior shall be conducted by the student's IEP team.

Before any FBA is conducted, the Superintendent or designee shall notify the student's parent/guardian in accordance with Education Code 56321 and obtain the parent/guardian's consent. (Education Code 56321; 34 CFR 300.324)

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

If the parent/guardian disagrees with the result of an FBA, he/she has the right to obtain an independent educational evaluation at district expense, subject to the conditions specified in 34 CFR 300.502.

### **Behavioral Intervention Plan and Services**

Note: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), behavioral interventions, supports, and other strategies may be used only in a manner that conforms to the following paragraph.

When any behavioral intervention, support, or other strategy is to be used by the district, the Superintendent or designee shall consider the student's physical freedom and social interaction, administer the intervention, support, or other strategy in a manner that respects the student's dignity and personal privacy, and ensure the student's right to be placed in the least restrictive educational environment. (Education Code 56520)

Note: Pursuant to Education Code 56520, as amended by AB 86 (Ch. 48, Statutes of 2013), BIPs for students in residential care must be developed and used in the manner specified below.

When a student for whom a BIP is to be developed is also the responsibility of another agency for residential care or related services, the Superintendent or designee shall cooperate with the other agency to ensure that the BIP, to the extent possible, is implemented in a consistent manner. (Education Code 56520)

## **BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**

(continued)

Note: 5 CCR 3065 specifies the qualifications of individuals who may provide behavioral intervention services. Education Code 56525 also authorizes anyone recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst to provide such services.

Behavior assessments and behavioral intervention services shall be provided only by individuals who possess the qualifications specified in Education Code 56525 or 5 CCR 3065.

### **Emergency Interventions**

Emergency interventions may be used only to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for a systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior. (Education Code 56521.1)

No emergency intervention shall be used for longer than is necessary to contain the behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

Note: Education Code 56521.1, as added by AB 86 (Ch. 48, Statutes of 2013), prohibits the use of the methods specified in the following paragraph even for emergency interventions. For more information on prohibited interventions, see section below titled "Prohibited Interventions."

Emergency interventions shall not involve the use of force exceeding what is reasonable and necessary under the circumstances. In addition, use of locked seclusion or a device, material, or objects that simultaneously immobilize all hands and feet shall not be allowed except as allowed by law. (Education Code 56521.1)

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include all of the following information: (Education Code 56521.1)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**  
(continued)

4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic BIP
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a BIP, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for an FBA, and determine the necessity for an interim BIP. The IEP team shall document the reasons for not conducting the FBA and/or not developing the interim BIP. (Education Code 56521.1)

If the behavior emergency report is for a student who has a BIP, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (Education Code 56521.1)

**Prohibited Interventions**

Note: Pursuant to Education Code 56521.2, as added by AB 86 (Ch. 48, Statutes of 2013), a district is prohibited from authorizing, ordering, consenting to, or paying for the following or other similar interventions.

The district prohibits the use of corporal punishment as defined in Education Code 49001 as an intervention. In addition, the district prohibits all of the following: (Education Code 56521.2)

1. Any intervention designed or likely to cause physical pain, including, but not limited to, electric shock
2. Any intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances near the student's face
3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
4. Any intervention that is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule, or humiliation or that can be expected to cause excessive emotional trauma

**BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS**  
(continued)

5. Any restrictive intervention that uses a device, material, or objects which simultaneously immobilize all hands and feet, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
6. Locked seclusion, unless in a facility otherwise licensed or permitted by state law to use a locked room
7. Any intervention that precludes adequate supervision of the student
8. Any intervention that deprives the student of one or more of his/her senses

*Legal Reference:*

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56525 Behavioral interventions

CODE OF REGULATIONS, TITLE 5

3065 Staff qualifications - related services

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Assistance to states for the education of students with disabilities

*Management Resources:*

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

Behavior Analyst Certification Board: <http://www.calaba.org/bacb.shtm>

U.S. Department of Education, Office of Special Education Programs:

<http://www2.ed.gov/about/offices/list/osers/osep>

**STATE ACADEMIC ACHIEVEMENT TESTS**

Note: The following **optional** policy may be revised to reflect district practice. Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), starting in the 2013-14 school year the state assessment system will begin transitioning from the Standardized Testing and Reporting (STAR) program to the Measurement of Academic Performance and Progress program, designated by the California Department of Education (CDE) as the California Assessment of Student Performance and Progress (CAASPP). For 2013-14, CAASPP will include (1) a field test of the Smarter Balanced Assessment Consortium summative assessment aligned with Common Core State Standards in English language arts and mathematics for grades 3-8 and 11; (2) California Standards Tests in science for grades 5, 8, and 10; (3) for students with disabilities, the California Alternate Performance Assessment (CAPA) in English language arts and mathematics in grades 2-11, and the CAPA or California Modified Assessment in science in grades 5, 8, and 10; (4) the voluntary Early Assessment Program to test college readiness of students in grade 11; and (5) at the district's discretion, Standards-Based Tests in Spanish. See the accompanying administrative regulation for program requirements.

Pursuant to Education Code 60648.5, as added by AB 484, the first full administration of assessments aligned to Common Core State Standards will occur in the 2014-15 school year unless the State Board of Education (SBE) determines that the assessments cannot be fully implemented at that time. In addition, Education Code 60640, as amended, requires the SBE to adopt a primary language assessment that will be administered no later than the 2016-17 school year and to make recommendations by March 1, 2016, for expanding the CAASPP to include additional subjects and assessment methods.

Pursuant to Education Code 60640, for the 2013-14 and/or 2014-15 school years, the district may choose to administer, at its own expense, the STAR tests that are no longer required. If it does so, the district must enter into an agreement with the test contractor subject to the approval of the CDE.

Although grade 2 testing is eliminated in the CAASPP, Education Code 60644, as added by SB 247 (Ch. 479, Statutes of 2013), requires the CDE to identify and inform districts by November 1, 2014, regarding existing assessments in language arts and mathematics for grade 2 that are aligned to Common Core State Standards and are appropriate for diagnostic use by classroom teachers.

The Governing Board recognizes that state achievement test results provide an indication of student progress in achieving state academic standards and may be used to promote high-quality teaching and learning. The Superintendent or designee shall administer mandatory student assessments within the California Assessment of Student Performance and Progress (CAASPP) as required by law and in accordance with Board policy and administrative regulation.

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

Note: The following paragraph is **optional**. Any district, school, or significant student subgroup that fails to achieve a 95 percent participation rate in the state mathematics and reading/language arts assessments will not make "adequate yearly progress" (AYP) pursuant to 20 USC 6311. AYP is used to identify schools and districts for program improvement; see BP/AR 0520.2 - Title I Program Improvement Schools and BP/AR 0520.3 - Title I Program Improvement Districts.

**STATE ACADEMIC ACHIEVEMENT TESTS** (continued)

Pursuant to Education Code 52052, state assessment results are also used in the state's Academic Performance Index (API). However, as amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 52052 authorizes the SBE to suspend the API in the 2013-14 and 2014-15 school years while the state assessment system is in transition.

The Board strongly encourages all students at the applicable grade levels to participate in the state assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

Note: The following paragraph is **optional**. AB 97 (Ch. 47, Statutes of 2013) repealed Education Code 52056 which encouraged the Governing Board to examine state assessment results by school, grade, and student subgroup as part of the annual discussion of each school's ranking on the API. Nevertheless, Education Code 52052, as amended by AB 97, requires that schools and districts demonstrate comparable improvement in academic achievement by all numerically significant subgroups, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth, when the subgroup consists of at least 30 students with a valid test score or 15 foster youth; see BP 0500 - Accountability. In addition, Education Code 52060, as added by AB 97, requires that the district's local control and accountability plan include annual goals to be achieved for all students and for each numerically significant subgroup; see BP/AR 0460 - Local Control and Accountability Plan.

The Board shall annually examine state assessment results by school, grade level, and student subgroup as one measure of the district's progress in attaining its student achievement goals and shall revise the local control and accountability plan and other district or school plans as necessary to improve student achievement for underperforming student groups.

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

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

**STATE ACADEMIC ACHIEVEMENT TESTS (continued)**

*Legal Reference:*

EDUCATION CODE

49076 *Student records; access*

51041 *Evaluation of educational program*

52052 *Academic Performance Index; numerically significant student subgroups*

52060-52077 *Local control and accountability plan*

56345 *Individualized education program, contents*

60600-60630 *Assessment of academic achievement*

60640-60649 *California Assessment of Student Performance and Progress*

60660-60663 *Electronic learning assessment resources*

60810 *Assessment of language development*

99300-99301 *Early Assessment Program*

CODE OF REGULATIONS, TITLE 5

850-864 *State assessments*

UNITED STATES CODE, TITLE 20

1412 *Participation of students with disabilities in state assessments*

6311 *Adequate yearly progress*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 *Standards and assessment*

*Management Resources:*

CSBA PUBLICATIONS

*Supporting Student Achievement: Student Assessment System in Flux, Governance Brief, June 2013*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Assembly Bill 484 Questions and Answers*

CALIFORNIA STATE UNIVERSITY PUBLICATIONS

*The Early Assessment Program: Handbook for School Site Leaders, 2008*

SMARTER BALANCED ASSESSMENT CONSORTIUM PUBLICATIONS

*Usability, Accessibility, and Accommodations Guidelines, September 2013*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2000*

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

California Learning Resources Network: <http://clrn.org>

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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

**STATE ACADEMIC ACHIEVEMENT TESTS**

Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), starting in the 2013-14 school year the state assessment system will begin transitioning from the Standardized Testing and Reporting (STAR) program to the Measurement of Academic Performance and Progress program, designated by the California Department of Education (CDE) as the California Assessment of Student Performance and Progress (CAASPP). Education Code 60640 requires the State Board of Education (SBE) to revise the applicable state regulations by July 1, 2014, to conform to the new state assessment system.

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

The district shall administer the following assessments in the California Assessment of Student Performance and Progress (CAASPP): (Education Code 60640)

Note: Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), requires that students in grades 3-8 and 11 be administered summative English language arts and mathematics assessments developed by the Smarter Balanced Assessment Consortium, as provided in item #1 below. Education Code 60603 defines a "summative assessment" as one designed to be given near the end of the school year to evaluate a student's knowledge and skills relative to a specific set of academic standards.

For the 2013-14 school year, Education Code 60640, as amended, provides that administration of these tests will be field tests only. Pursuant to Education Code 60648.5, as added by AB 484, the first full administration of the tests will occur in the 2014-15 school year unless the SBE determines that the assessments cannot be fully implemented at that time.

At its discretion, the district may administer the STAR tests in 2013-14 and/or 2014-15, at its own expense. If the district chooses to do so and enters into an agreement with the test contractor with the CDE's approval, it may modify item #1 to reflect the STAR tests that will be administered and the applicable grade levels.

1. The Smarter Balanced Assessment Consortium summative assessments for English language arts and mathematics, aligned with Common Core State Standards, in grades 3-8 and 11

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

Note: Pursuant to Education Code 60640, the testing requirement includes English learners and students with disabilities. However, Education Code 60640 exempts "recently arrived" English learners, as defined in Education Code 60603, from the requirement to take the English language arts assessment, as provided below. In addition, students with disabilities must be provided accommodations as appropriate to enable them to participate in these tests (see section "Testing Variations" below), but if they are still unable to take these tests, then they may be exempted or administered an alternate test; see item #3 below.

All students at the applicable grade levels shall be administered these tests, except that:

- a. 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



**STATE ACADEMIC ACHIEVEMENT TESTS** (continued)

- b. Students with disabilities may be provided an alternate test in accordance with their individualized education program (IEP), as provided in item #3 below

(cf. 6159 - Individualized Education Program)

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

Note: Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), provides that California Standards Tests will be administered in science at grades 5, 8, and 10. When available, the SBE shall adopt an assessment that is aligned with the Next Generation Science Standards adopted by the SBE in September 2013 pursuant to Education Code 60605.85.

2. California Standards Tests in science at grades 5, 8, and 10

(cf. 6142.93 - Science Instruction)

Note: Pursuant to Education Code 60640, students with disabilities must be included in the state assessment program with appropriate accommodations in administration where necessary (see section on "Testing Variations" below), unless exempted by their parents/guardians or eligible to take an alternate assessment in accordance with their individualized education program (IEP). The SBE has designated the California Alternate Performance Assessment (CAPA) for use by any student with severe cognitive disabilities whose IEP team has determined is unable to take the state achievement tests even with accommodations or modifications. Eligible students who are not severely cognitively disabled may instead take the California Modified Assessment (CMA), developed pursuant to 34 CFR 200.1 based on modified achievement standards, if their IEP team determines it is appropriate. According to the CDE's [Assembly Bill 484 Questions and Answers](#), for the 2013-14 school year the CAPA may be used for English language arts and mathematics in grades 2-11 and either the CAPA or CMA may be used for science in grades 5, 8, and 10.

3. For students with disabilities who are unable to take the tests specified in items #1-2 above even with appropriate accommodations, the California Alternate Performance Assessment (CAPA) in English language arts and mathematics for students in grades 2-11 and either the CAPA or California Modified Assessment in science for students in grades 5, 8, and 10, in accordance with the student's IEP

Note: Item #4 below is **optional**. In addition to administering the state achievement tests described above to English learners, Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), authorizes the district to administer a primary language assessment to English learners at its discretion and in accordance with an agreement with the test contractor. Currently the Standards-Based Test in Spanish (STS) is designated for this purpose.

4. The Standards-Based Test in Spanish (STS) to Spanish-speaking English learners in grades 2-11. This test shall be administered to English learners in addition to the state achievement tests administered in English.

(cf. 6174 - Education for English Language Learners)

**STATE ACADEMIC ACHIEVEMENT TESTS** (continued)

Note: The following paragraph is **optional**. Pursuant to Education Code 60640, the SBE has approved the use of the STS, at district expense, for the following purpose.

The STS also may be used to assess students in a dual language immersion program who are not limited English proficient or who are redesignated fluent English proficient.

Note: **Optional** item #5 below is for use by districts that maintain high schools. Pursuant to Education Code 60640 and 99300-99301, students in grade 11 may voluntarily take an augmented achievement test which assesses their college readiness in English and/or mathematics (the Early Assessment Program). As amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 99300-99301 provide that, beginning with the 2014-15 school year, the grade 11 Smarter Balanced Assessment Consortium tests may be used for this purpose.

5. For students in grade 11 on a voluntary basis, an augmented achievement test approved for use in the Early Assessment Program as a measure of students' readiness for college-level work in English and/or mathematics pursuant to Education Code 99300-99301

**Testing Period**

Note: Education Code 60640 provides that the SBE will establish a testing period that allows all schools to administer the achievement tests at approximately the same time during the instructional year and takes into account the need to provide make-up days for students who were absent during testing.

The state achievement tests shall be administered within the testing period established by the State Board of Education (SBE) pursuant to Education Code 60640. Students who are absent during testing shall be provided an opportunity to take the tests during the period of time established by the SBE for make-up testing.

**Exemptions**

Note: 5 CCR 852 allows students to be exempted from participation in state testing as provided below. However, districts should be aware that if a school's student participation level falls below 95 percent, then the school's ability to make "adequate yearly progress" pursuant to 20 USC 6311 may be affected; see the accompanying Board policy.

A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. However, district employees shall not solicit or encourage any written exemption on behalf of any student or group of students. (5 CCR 852)

**STATE ACADEMIC ACHIEVEMENT TESTS** (continued)**Testing Variations**

Note: Pursuant to 20 USC 1412 and Education Code 60640, students with disabilities must be included in state assessments and provided appropriate accommodations in administration when necessary. 5 CCR 853.5 specifies testing variations that may be used with all students, English learners, and students with disabilities.

As amended by AB 484 (Ch. 489, Statutes of 2013), Education Code 60640 requires 5 CCR 853.5 to be updated by July 1, 2014, to conform to the new state assessment system. Proposed state regulations are consistent with the Smarter Balanced Assessment Consortium's Usability, Accessibility, and Accommodations Guidelines, available on the CDE's web site, which lists "universal tools" available to all students; "designated supports" available for use by any student for whom the need has been indicated by an educator or group of educators; and "accommodations" available to students with disabilities, when documented in the student's IEP or Section 504 plan, to provide equitable access during the assessment without fundamentally altering the comparability of scores.

Assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor and California Department of Education (CDE), except that students may be provided a tool, support, or accommodation that is specifically allowed pursuant to 5 CCR 853.5.

Accommodations provided to students with disabilities shall be those specified in their IEP or Section 504 plan. (5 CCR 850, 853.5)

**Staff Responsibilities**

On or before September 30 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the CDE. In addition, the Superintendent or designee shall designate a coordinator for each test site. The duties of the district and school site test coordinators shall include those specified in 5 CRR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for the CAPA, shall be a certificated or licensed employee of the school, district, or county office of education. (5 CCR 850)

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to

**STATE ACADEMIC ACHIEVEMENT TESTS** (continued)

translate the test directions into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 850, 857-859)

**Report of Test Results**

Note: Education Code 60641, as amended by AB 484 (Ch. 489, Statutes of 2013), requires that test results for individual students be reported to the student's parents/guardians, school, and teacher(s) for any assessments that produce valid individual student results. While field tests are being conducted for some new assessments, those assessments will not produce individual-level scores until it is determined that the scores are valid and reliable.

Pursuant to Education Code 60641, as amended, the district may use electronic media formats to provide this report, provided that the format secures the confidentiality of the student and the student's results. In addition, district personnel are not required to prepare individualized explanations of each student's test scores as part of the report described in the following paragraph.

For any state assessments that produce valid individual student results, the Superintendent or designee shall provide a written report of the student's results to his/her parents/guardians which includes a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

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

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

**GUIDANCE/COUNSELING SERVICES**

Note: The following policy should be revised to reflect district practice. Education Code 49600 authorizes districts to offer a comprehensive educational counseling program implemented by credentialed school counselors.

The Governing Board recognizes that a comprehensive counseling program promotes academic achievement and serves the diverse needs of all district students. Counseling staff shall be available to meet with students regarding their educational progress toward academic and/or career goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning.

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

Note: Pursuant to Education Code 44266 and 5 CCR 80049-80049.1, persons authorized to provide services in school counseling, school psychology, or school social work must possess a pupil personnel services credential, with the appropriate specialization, issued by the Commission on Teacher Credentialing.

The Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

*(cf. 4112.2 - Certification)*

**Academic and Career Counseling**

Note: The following section is for use by districts that maintain any of grades 7-12 and may be revised to reflect district practice and the grade levels offered by the district. AB 97 (Ch. 47, Statutes of 2013) redirects funding for the Supplemental School Counseling Program for grades 7-12 (Education Code 52378-52380) and for the 10th-grade counseling program formerly funded through the Pupil Retention Block Grant (Education Code 41505-41508) into the local control funding formula.

The district's academic counseling program shall be designed to assist students to establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

*(cf. 6011 - Academic Standards)*

*(cf. 6020 - Parent Involvement)*

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

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

*(cf. 5145.6 - Parental Notifications)*

**GUIDANCE/COUNSELING SERVICES** (continued)

The counseling program for high school students may include, at appropriate grade levels:

1. Information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6143 - Courses of Study)*

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

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*

2. An opportunity for each student and, if practicable, his/her parent/guardian to meet with a counselor to discuss the student's career goals, available educational and career technical education options, and community and workplace experiences to support the student's goals

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*

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

3. Monitoring of each student's fulfillment of required coursework and progress toward promotion and graduation, and notification of the student and his/her parent/guardian of remaining academic requirements

*(cf. 5123 - Promotion/Acceleration/Retention)*

*(cf. 6162.52 - High School Exit Examination)*

4. Additional specialized counseling services for students identified as at risk of not graduating with their class

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer Learning Programs)*

*(cf. 6179 - Supplemental Instruction)*

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

*(cf. 6184 - Continuation Education)*

Note: Education Code 221.5 prohibits school counselors from offering vocational or school program guidance to a student of one sex that is different from that offered to a student of the opposite sex. In addition, 5 CCR 4930 prohibits discrimination in counseling programs to the same extent that discrimination is prohibited in all other district programs and activities. Prohibited bases for discrimination in district programs are specified in BP 0410 - Nondiscrimination in District Programs and Activities.

**GUIDANCE/COUNSELING SERVICES** (continued)

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

Note: 20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with the same access to students as is provided to colleges and prospective employers. Districts that do not grant similar access may lose those funds. Even for districts that do not receive ESEA funds, 10 USC 503 requires districts to grant the same access to military recruiters and employers. Under this section, districts may refuse military access only if the Governing Board has adopted a policy denying access to the military. Districts that do not grant access and have not adopted a policy denying access may be subject to specific interventions, such as notification to the Governor and Congress, so that public officials can work with the district. In addition, Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers. For information regarding military recruiter access to student directory information, see BP/AR 5125.1 - Release of Directory Information.

Option 1 is for use by districts that receive ESEA funds and that grant colleges and prospective employers access to students. Option 1 is also for use by districts that do not receive ESEA funds but choose to grant access to employers and therefore are required to grant access to military recruiters. Option 2 is **mandated** for those districts that do not receive ESEA funds and wish to deny access to military recruiters. Districts that select Option 2 must also deny access to all other employers.

**OPTION 1:** Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

**OPTION 2:** Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (Education Code 49603; 10 USC 503)

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

**Personal or Mental Health Counseling**

Note: The following **optional** section may be revised to reflect district practice. A school counselor, school psychologist, or school social worker may offer personal or family counseling in accordance with the authorizations on his/her credentials. In addition, districts may provide mental health services through school-based health centers (see BP 5141.6 - School Health Services) and/or may collaborate with community agencies, organizations, and health care providers to ensure that services are available.

**GUIDANCE/COUNSELING SERVICES** (continued)

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

*(cf. 1020 - Youth Services)*  
*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*

Note: If a minor is 11 years old or younger, consent by a parent/guardian is required before providing the minor with outpatient mental health counseling or treatment services. Family Code 6920-6929 and Health and Safety Code 124260 allow a minor age 12 or older to consent to outpatient mental health counseling or treatment services without parent/guardian consent if, in the opinion of a school psychologist or other professional person, as defined, the minor is mature enough to participate intelligently in the services. However, the child's parent/guardian must still be involved unless the professional person determines it would be inappropriate.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*



## **GUIDANCE/COUNSELING SERVICES** (continued)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

### **Crisis Counseling**

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

*(cf. 5131 - Conduct)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5136 - Gangs)*  
*(cf. 5141.52 - Suicide Prevention)*

### **Teacher-Based Advisory Program**

Note: The following **optional** section is for use by districts that choose to provide a teacher-based advisory program as authorized by Education Code 49600. The following section may be revised to reflect district practice, including the grade levels at which the program will operate. It should be deleted by districts in which all student counseling is provided by credentialed school counselors.

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher

## **GUIDANCE/COUNSELING SERVICES (continued)**

participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

*(cf. 4131 - Staff Development)*

### *Legal Reference:*

#### EDUCATION CODE

221.5 *Prohibited sex discrimination*

41505-41508 *Pupil Retention Block Grant*

44266 *Pupil personnel services credential*

48431 *Establishing and maintaining high school guidance and placement program*

49600-49604 *Educational counseling*

51250-51251 *School age military dependents*

51513 *Personal beliefs*

52378-52380 *Supplemental School Counseling Program*

#### FAMILY CODE

6920-6929 *Consent by minor for treatment or counseling*

#### HEALTH AND SAFETY CODE

124260 *Mental health services; consent by minors age 12 and older*

#### PENAL CODE

11166-11170 *Reporting known or suspected cases of child abuse*

#### WELFARE AND INSTITUTIONS CODE

5850-5883 *Mental Health Services Act*

#### CODE OF REGULATIONS, TITLE 5

4930-4931 *Counseling*

80049-80049.1 *Pupil personnel services credential*

80632-80632.5 *Preparation programs for pupil personnel services*

#### UNITED STATES CODE, TITLE 10

503 *Military recruiter access to directory information*

#### UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

7908 *Armed forces recruiter access to students and student recruiting information*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family educational rights and privacy*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*California Results-Based School Counseling and Student Support Guidelines, 2007*

#### WEB SITES

*American School Counselor Association: <http://www.schoolcounselor.org>*

*California Association of School Counselors: <http://www.schoolcounselor-ca.org>*

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

*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

*U.S. Department of Education, access to military recruiters:*

*<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>*

**EDUCATION FOR FOSTER YOUTH**

Note: Education Code 42238.02 and 42238.03, as added by AB 97 (Ch. 47, Statutes of 2013) and amended by SB 97 (Ch. 357, Statutes of 2013), provide supplemental and concentration grants within the local control funding formula based on the number and concentration of unduplicated counts of students who are foster youth, English learners, and/or eligible for free or reduced-price meals; see BP/AR 3100 - Budget. In addition, AB 97 added Education Code 52060-52077 requiring districts to develop a local control and accountability plan (LCAP) which must be aligned to specific state priorities and any additional local priorities, and which must contain annual goals for all students and for each "numerically significant" student subgroup and the specific actions to be taken to achieve each goal; see BP/AR 0460 - Local Control and Accountability Plan. AB 97 also amended the definition of "numerically significant" student subgroups in Education Code 52052 to include foster youth.

Education Code 48850-48859 (the AB 490 Educational Rights and Stability Act of 2003) create additional obligations for districts regarding the education of foster youth, including the right of foster youth to continue attending their school of origin and the requirement to ensure that foster youth have access to the same academic resources, services, and extracurricular activities that are available to all students. See the accompanying administrative regulation.

While the requirements of the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) may apply to foster youth in certain situations, such as when they are living in emergency or transitional shelters or when they are awaiting foster care placement (see BP/AR 6173 - Education for Homeless Children), Education Code 48850-48859 extend services to youth at any time when in foster care. The following policy may be revised to reflect district practice.

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and district academic standards, the Superintendent or designee shall provide them with full access to the district's educational program and implement strategies identified as necessary for the improvement of the academic achievement of foster youth in the district's local control and accountability plan (LCAP).

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

*(cf. 3100 - Budget)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6011- Academic Standards)*

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

*(cf. 6145.2 - Athletic Competition)*

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

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

*(cf. 6179 - Supplemental Instruction)*

Note: Pursuant to Education Code 48850, placement determinations for foster youth must be made in accordance with the student's "best interest." In addition, Education Code 48853.5 requires each district to designate a staff person as a foster care liaison to help ensure proper school placement and enrollment. See the accompanying administrative regulation.

**EDUCATION FOR FOSTER YOUTH** (continued)

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Note: AB 97 (Ch. 47, Statutes of 2013) eliminated the School Safety and Violence Prevention Act, Education Code 32228-32228.5, which provided funds to undertake measures to ensure school safety and a harassment- and violence-free school environment and redirected the funding into the local control funding formula. However, Education Code 52060, as added by AB 97, requires districts to develop an LCAP that must be aligned with state priorities, including goals for student engagement. The following **optional** paragraph promotes such student engagement.

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build a foster youth's feeling of connectedness with his/her school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

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

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

*(cf. 6020 - Parent Involvement)*

Note: Education Code 48853.5 encourages districts to collaborate with other agencies to provide services to foster youth. The following **optional** paragraph should be modified to reflect district practice.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials

**EDUCATION FOR FOSTER YOUTH** (continued)

including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

(cf. 1020 - Youth Services)

Note: Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), each district is required to update the LCAP by July 1 each year, based on an evaluation rubric to be adopted by the SBE no later than October 1, 2015. The following **optional** paragraph uses the LCAP review timeline and may be revised to reflect district practice.

At least annually and in accordance with the established timelines, the Superintendent or designee shall report to the Board on the outcomes for foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the LCAP for improving or increasing services for foster youth.

(cf. 0500 - Accountability)

(cf. 5123 - Promotion/Acceleration/Retention)

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

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

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

*Legal Reference:*EDUCATION CODE

32228-32228.5 Student safety and violence prevention

42238.01-42238.07 Local control funding formula

42920-42925 Foster children educational services

48645-48646 Juvenile court schools

48850-48859 Educational placement of students residing in licensed children's institutions

48915.5 Suspension and expulsion; students with disabilities, including foster youth

48918.1 Notice of expulsion hearing for foster youth

49061 Student records

49069.5 Foster care students, transfer of records

49076 Access to student records

51225.1 Exemption from district graduation requirements

51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course

51225.3 High school graduation

*Legal Reference continued: (see next page)*

## **EDUCATION FOR FOSTER YOUTH (continued)**

### *Legal Reference: (continued)*

#### EDUCATION CODE (continued)

52060-52077 *Local control and accountability plan*

56055 *Rights of foster parents in special education*

60851 *High school exit examination*

#### HEALTH AND SAFETY CODE

1522.41 *Training and certification of group home administrators*

1529.2 *Training of licensed foster parents*

120341 *Foster youth: school placement: immunization records*

#### WELFARE AND INSTITUTIONS CODE

300 *Children subject to jurisdiction*

309 *Investigation and release of child*

317 *Appointment of legal counsel*

361 *Limitations on parental or guardian control*

366.27 *Educational decision by relative providing living arrangements*

602 *Minors violating law; ward of court*

726 *Limitations on parental or guardian control*

727 *Order of care, ward of court*

16000-16014 *Foster care placement*

#### UNITED STATES CODE, TITLE 20

1415 *Procedural safeguards; placement in alternative educational setting*

#### UNITED STATES CODE, TITLE 29

794 *Rehabilitation Act of 1973, Section 504*

#### UNITED STATES CODE, TITLE 42

670-679b *Federal assistance for foster care programs*

11431-11435 *McKinney-Vento Homeless Assistance Act*

### *Management Resources:*

#### CSBA PUBLICATIONS

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

#### AMERICAN BAR ASSOCIATION PUBLICATIONS

*Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005*

#### CALIFORNIA CHILD WELFARE COUNCIL

*Partial Credit Model Policy and Practice Recommendations*

#### CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

*Our Children: Emancipating Foster Youth, A Community Action Guide*

#### WEB SITES

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

American Bar Association: <http://www.americanbar.org>

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CChildWelfareCouncil.aspx>

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

<http://www.fosteryouthhelp.ca.gov>

California Youth Connection: <http://www.cal youthconn.org/site/cyc>

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

**EDUCATION FOR FOSTER YOUTH**

**Definitions**

Note: Pursuant to Education Code 42238.01, as added by AB 97 (Ch. 47, Statutes of 2013), "foster youth" includes a nonminor who is under the transition jurisdiction of the juvenile court and satisfies criteria specified in law.

*Foster youth* means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602 or is a nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01. (Education Code 42238.01, 48853.5)

Note: In instances where the rights of the parent/guardian have been limited, the court may appoint an educational representative on a temporary or long-term basis to make educational decisions for the student.

*Person holding the right to make educational decisions* means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

*School of origin* means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, and in the best interests of the foster youth, which school is the school of origin. (Education Code 48853.5)

Note: Education Code 48850 expresses the legislative intent that the "best interests" of a foster youth include educational stability as well as placement in the least restrictive educational program, as provided below.

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

**EDUCATION FOR FOSTER YOUTH** (continued)

**District Liaison**

Note: Pursuant to Education Code 48853.5, districts are required to designate a staff person as the educational liaison for foster youth. This person may be the same individual designated as the liaison for homeless students as required by 42 USC 11432; see AR 6173 - Education for Homeless Children. In addition, Education Code 48853.5 requires that, for districts operating a foster youth services program, the liaison be affiliated with that program. The duties of the liaison are as specified below.

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Executive Assistant to the Superintendent/Board  
(position or title)  
201 6<sup>th</sup> Avenue, Coronado, CA 92118  
(address)  
619-522-8900  
(phone number)

(cf. 6173 - Education for Homeless Children)

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

Note: Education Code 48645.5 requires districts to accept for credit full or partial coursework completed in a public school or nonpublic nonsectarian school or agency in addition to a juvenile court school; see the section below entitled "Transfer of Coursework and Credits."

2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

(cf. 5125 - Student Records)

(cf. 6146.3 - Reciprocity of Academic Credit)

Note: Pursuant to Education Code 48853.5, 48911, 48915.5, and 48918.1, the district liaison is required to invite or notify a foster youth's attorney and the appropriate official of the county child welfare agency in



**EDUCATION FOR FOSTER YOUTH** (continued)

certain circumstances when expulsion-related proceedings are pending against the foster youth. For specific situations requiring such invitation or notice, see AR 5144.1 - Suspension and Expulsion/Due Process.

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination prior to a change in the foster youth's placement, when he/she is a student with a disability. (Education Code 48853.5, 48911, 48915.5, 48918.1)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

Note: Items #4-8 below are **optional** and should be modified to reflect district practice.

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services

*(cf. 5141.6 - School Health Services)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6172 - Gifted and Talented Student Program)*  
*(cf. 6174 - Education for English Language Learners)*  
*(cf. 6177 - Summer Learning Programs)*  
*(cf. 6179 - Supplemental Instruction)*

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

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

7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for the district's foster youth

**EDUCATION FOR FOSTER YOUTH** (continued)

*(cf. 1020 - Youth Services)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*

Note: The following **optional** item facilitates the annual update of the local control and accountability plan required pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013); see BP/AR 0460 - Local Control and Accountability Plan.

8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

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

Note: The following paragraph is **optional**. Because the district's liaison for foster youth often has additional duties pertaining to other programs, CSBA's policy brief [Educating Foster Youth: Best Practices and Board Considerations](#) recommends periodic evaluation of the liaison's caseload to determine whether he/she is able to adequately fulfill his/her duties with respect to foster youth.

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

**Enrollment**

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*

Note: Pursuant to Education Code 48853, a district is required to educate foster youth in the least restrictive environment necessary for their educational achievement. However, a district may be discharged from this obligation when the parent/guardian or other person with the right to make educational decisions for the foster youth unilaterally decides to place the foster youth in another educational program and provides the district a written statement as specified in item #2 below.

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program and submits a written statement to the district indicating that determination and that he/she is aware of the following:

**EDUCATION FOR FOSTER YOUTH** (continued)

- a. The student has a right to attend a regular public school in the least restrictive environment.
- b. The alternate educational program is a special education program, if applicable.
- c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.
- d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*

Note: Pursuant to Education Code 48853.5, a foster youth may continue his/her education in the school of origin under the circumstances stated below. Elementary and high school districts should delete any item (b or c) that is not applicable to the grade levels served by the district.

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
  - a. The student may continue in the school of origin for the duration of the court's jurisdiction.
  - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.
  - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
  - d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

**EDUCATION FOR FOSTER YOUTH** (continued)

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

Note: Pursuant to Education Code 48853.5, a district is required to immediately enroll any foster youth transferring into the district even when the foster youth has outstanding fees or fines due to the last school attended or the district has not received the foster youth's academic and medical records, as listed in items #1-3 below. However, pursuant to Health and Safety Code 120341, if a district does not receive a foster youth's immunization records prior to enrolling him/her, the district must take steps, after the foster youth is enrolled, to obtain the his/her immunization records or ensure that he/she is properly immunized. See BP/AR 5141.31 - Immunizations.

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

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

2. Does not have clothing normally required by the school, such as school uniforms

*(cf. 5132 - Dress and Grooming)*

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.31 - Immunizations)*

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

## **EDUCATION FOR FOSTER YOUTH** (continued)

Note: Education Code 48853 and 48853.5 specify that, if a dispute arises regarding school placement, the district shall use an existing dispute resolution process available to any district student. The following paragraph should be modified to reflect district practice.

If the foster youth or a person with the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

*(cf. 9320 - Meetings and Notices)*

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

### **Transportation**

Note: Pursuant to Education Code 48853.5, a district may, but is not required to, provide transportation to enable a foster youth to attend a school or school district of origin, except when it is otherwise required by federal law or pursuant to the individualized education program of a student with a disability. An example of when transportation might be required under federal law is when a foster youth is homeless, pursuant to the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435).

Option 1 is for use by districts that do not provide transportation. Option 2 is for use by districts that choose to provide transportation to foster youth to their school of origin and may be revised to reflect district practice.

**OPTION 1:** The district shall not be responsible for providing transportation to and from the school of origin.

~~**OPTION 2:** Upon request, the district may provide transportation for a foster youth to and from his/her school of origin when the student is residing within the district and the school of origin is within district boundaries.~~

*(cf. 3540 - Transportation)*

*(cf. 3541 - Transportation Routes and Services)*

### **Effect of Absences on Grades**

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

**EDUCATION FOR FOSTER YOUTH** (continued)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades shall be calculated as of the date he/she left school
2. A verified court appearance or related court-ordered activity

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

**Transfer of Coursework and Credits**

Note: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework and credits completed by foster youth, as provided below.

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she 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: Though Education Code 51225.2 requires districts to award partial credits to foster youth who transfer from school to school, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of foster youth, the California Child Welfare Council (CCWC), in its Partial Credit Model Policy and Practice Recommendations available on its web site, recommends the approach specified in the following **optional** paragraph, which may 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. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a foster youth 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)

**EDUCATION FOR FOSTER YOUTH** (continued)**Applicability of Graduation Requirements**

Note: The following section is for use by districts maintaining high schools. Also see BP 6146.1 - High School Graduation Requirements.

To obtain a high school diploma, a foster youth shall pass the high school exit examination in English language and mathematics, complete all courses required by Education Code 51225.3, and fulfill any additional graduation requirement prescribed by the Board.

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

*(cf. 6162.52 - High School Exit Examination)*

Note: Previously, Education Code 51225.3 exempted any foster youth who transfers into the district or between district schools in grades 11-12 from locally established high school graduation requirements. However, AB 216 (Ch. 324, Statutes of 2013) deleted this provision from Education Code 51225.3 and included it in newly added Education Code 51225.1 with some modifications as specified below. This exemption does not apply to state graduation requirements for course completion or the high school exit examination.

However, when a foster youth 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 foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for him/her, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. (Education Code 51225.1, 60851)

To determine whether a foster youth is in his/her third or fourth year of high school, the district shall use either the number of credits the foster youth 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 foster youth who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the foster youth'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)

**EDUCATION FOR FOSTER YOUTH** (continued)

The district shall not require or request a foster youth to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a foster youth or any person acting on behalf of a foster youth. (Education Code 51225.1)

Note: Pursuant to Education Code 51225.1, as added by AB 216 (Ch. 324, Statutes of 2013), a district may allow a foster youth to remain in high school for a fifth year to enable him/her to complete the district's graduation requirements, as provided below.

Upon making a finding that a foster youth is reasonably able to complete district graduation requirements within his/her fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the foster youth and the person holding the right to make educational decisions for him/her of the foster youth's option 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 foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if he/she is under 18 years of age, the person holding the right to make educational decisions for him/her, permit the foster youth to stay in school for a fifth year to complete the district's graduation requirements

**Eligibility for Extracurricular Activities**

Note: Education Code 48850 provides that, when a foster youth's residence changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports. For additional information about eligibility requirements, see BP 6145 - Extracurricular and Cocurricular Activities.

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

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

*(cf. 6145.2 - Athletic Competition)*



**WEEKEND/SATURDAY CLASSES**

Note: The following **optional** policy is for use by districts that choose to offer classes on Saturday and/or Sunday as authorized by Education Code 37223.

Pursuant to Education Code 44824, a teacher cannot be assigned to work on a Saturday or Sunday if he/she objects in writing that the assignment would conflict with his/her religious beliefs or practices. In addition, Education Code 44824 provides that full-time teachers employed by the district prior to the implementation of weekend classes cannot be required to teach for more than 180 full days during a school year or for more than the number of full days that district schools were maintained during the year preceding implementation of weekend classes, whichever is greater. See AR 4113 - Assignment.

The Governing Board desires to increase educational opportunities outside the regular school week in order to meet student needs and promote academic achievement. When staffing, facilities, and other resources are available, the Board may approve the provision of classes on Saturday and/or Sunday that support and are integrated with other learning opportunities.

*(cf. 4113 - Assignment)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 6111 - School Calendar)*

Any class offered on a Saturday or Sunday pursuant to Education Code 37223, except in regional occupational centers or programs (ROC/Ps), shall be one offered Monday through Friday during the regular school week. (Education Code 37223)

Note: Education Code 37223 authorizes weekend classes of any of the types listed in items #1-4 below or other classes identified by the district. The following list should be revised or expanded to reflect those weekend classes approved by the Governing Board.

Weekend classes may include, but are not limited to:

1. Continuation classes (Education Code 37223)

*(cf. 6184 - Continuation Education)*

Note: Pursuant to Education Code 37223, voluntary attendance in special weekend activities for mentally gifted minors (item #2 below) cannot be included in the district's average daily attendance computation.

2. Special day classes for mentally gifted minors (Education Code 37223)

*(cf. 6172 - Gifted and Talented Student Program)*

3. Makeup classes for unexcused absences occurring during the week (Education Code 37223)

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 6154 - Homework/Makeup Work)*

**WEEKEND/SATURDAY CLASSES** (continued)

4. The programs of an ROC/P (Education Code 37223)

*(cf. 6178 - Career Technical Education)*

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

Note: Items #5-6 below are **optional**. Although Education Code 37252-37253 provide that specified supplemental instructional programs may be offered on Saturday, AB 97 (Ch. 47, Statutes of 2013) redirected the funding for those programs into the local control funding formula; see BP 6179 - Supplemental Instruction. In addition, AB 97 eliminated the Pupil Retention Block Grant (Education Code 41505-41506), which allowed funding to be used for the purposes of intensive reading or algebra programs, including Saturday programs. At its discretion, the district may continue to offer weekend classes for these purposes.

5. Supplemental instruction for students who need additional assistance to meet academic standards or requirements

*(cf. 5123 - Promotion/Acceleration/Retention)*

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

*(cf. 6179 - Supplemental Instruction)*

6. Enrichment classes in core academic subjects

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

Except in ROC/Ps, weekend attendance shall not result in crediting any student with more than five days of attendance per week. (Education Code 37223)

Attendance at weekend classes offered pursuant to Education Code 37223 shall be voluntary, except that truants, as defined in Education Code 48260, may be required to attend classes on one day of a weekend in order to make up lost instructional time. (Education Code 37223)

Note: Education Code 48205 specifies reasons that students must be excused from school, including observance of a holiday or ceremony of their religion. The reasons specified in Education Code 48205 are also applicable during weekend classes.

A student shall be excused from a weekend class if such attendance would be in conflict with his/her religious beliefs. Such students shall be given priority for enrollment in any other available supplemental instruction offered at a time other than during the weekend.

*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*

**WEEKEND/SATURDAY CLASSES** (continued)

Note: Education Code 49550 requires that districts provide at least one nutritionally adequate meal each school day (breakfast and/or lunch) for students who are eligible for free and reduced-price meals; see BP/AR 3553 - Free and Reduced-Price Meals. If the school participates in the National School Lunch or Breakfast Program, it must make meals available to all students in attendance.

According to the California Department of Education's (CDE) Management Bulletin NSD-SNP-03-2013, this requirement extends to Saturday classes unless the district or school receives a waiver. The CDE will consider a waiver when any two of the following criteria exist: (1) serving meals during the Saturday session would result in a financial loss to the district equal to one-third of the food service's net cash resources; (2) the Saturday session at the school is less than four hours and is completed by noon allowing students to go home during the lunch period; (3) less than 10 percent of the needy students attending the Saturday session are at the school for more than three hours per day; and (4) the school does not have proper refrigeration facilities to enable meals to be prepared on Friday and served on Saturday.

Unless the requirement is waived by the California Department of Education, the district shall provide at least one nutritionally adequate meal during the weekend session in accordance with Education Code 49550.

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

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

*(cf. 5030 - Student Wellness)*

*Legal Reference:*EDUCATION CODE

37223 *Weekend classes*

37252-37253 *Supplemental instruction*

41505-41508 *Pupil Retention Block Grant*

41601 *Reports of average daily attendance*

42239 *Summer school attendance computation*

44824 *Weekend classes, assignment of certificated employees*

48070-48070.5 *Promotion and retention, supplemental instruction*

48205 *Excused absence for personal reasons*

48260 *Truants, definition*

49550 *Meals for needy students*

52060-52077 *Local control and accountability plan*

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Requesting a Summer School Meal Waiver and/or a Saturday School Meal Waiver, Nutrition Services Division Management Bulletin NSD-SNP-03-2013, February 2013*

WEB SITES

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

**SUMMER LEARNING PROGRAMS**

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

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills and make academic progress.

Note: Education Code 52060-52077, as added by AB 97 (Ch. 47, Statutes of 2013), require districts to develop a local control and accountability plan (LCAP) which includes goals aligned with state and local priorities, specific actions aligned to meet those goals, and a budget aligned to fund those specific actions; see BP/AR 0460 - Local Control and Accountability Plan. The purposes and content of the district's summer programs should be aligned with the priorities and goals as outlined in the LCAP and other applicable district and school plans.

Summer programs offered by the district shall be aligned with the district's local control and accountability plan (LCAP), other applicable district and school plans, and the educational program provided during the school year. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social and emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

- (cf. 0200 - Goals for the School District)*
- (cf. 0460 - Local Control and Accountability Plan)*
- (cf. 3552 - Summer Meal Program)*
- (cf. 5030 - Student Wellness)*
- (cf. 5141.6 - School Health Services)*
- (cf. 5148 - Child Care and Development Program)*
- (cf. 6011 - Academic Standards)*
- (cf. 6142.7 - Physical Education and Activity)*
- (cf. 6143 - Courses of Study)*

**Summer School**

Note: Summer school programs may be funded through a variety of sources that include, but are not limited to, Title I funding (20 USC 6311-6322), After School Education and Safety Program supplemental funds (Education Code 8482-8484.6), and 21st Century Community Learning Center supplemental funds (Education Code 8484.7-8484.9; 20 USC 7171-7176).

In addition, Education Code 54444.3 requires agencies receiving Title I Migrant Education funding to conduct summer school for eligible migrant students in grades K-12; see BP/AR 6175 - Migrant Education Program.

The Superintendent or designee, with Board approval, may establish summer school day and/or evening classes.

- (cf. 5148.2 - Before/After School Program)*
- (cf. 6171 - Title I Programs)*
- (cf. 6175 - Migrant Education Program)*

## SUMMER LEARNING PROGRAMS (continued)

Note: The following paragraph is **optional**. Although Education Code 37252-37253 authorize specified supplemental instructional programs to be offered during summer, AB 97 (Ch. 47, Statutes of 2013) redirects the funding for those programs into the local control funding formula; see BP 6179 - Supplemental Instruction. In addition, AB 97 eliminated the Pupil Retention Block Grant (Education Code 41505-41506), which allowed funding to be used for intensive reading or algebra programs, including summer programs. At its discretion, the district may continue to offer summer classes for these purposes.

The district's summer school program may be used to provide supplemental instruction to students needing remediation and/or enrichment in core academic subjects.

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6179 - Supplemental Instruction)*

Note: The following **optional** list establishes enrollment priorities for the provision of summer school instruction and may be revised to reflect district practice. Items #1-2 should be deleted by districts that do not maintain high schools.

As appropriate, priority for enrollment in summer school programs shall be given to district students who:

1. Need course credits in order to graduate from high school before the beginning of the next school year

*(cf. 5147 - Dropout Prevention)*

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

2. Have not made sufficient progress toward passing the state exit examination required for high school graduation

*(cf. 6162.52 - High School Exit Examination)*

3. Have been retained or are at risk of being retained at their grade level

*(cf. 5123 - Promotion/Acceleration/Retention)*

4. Demonstrate academic deficiencies in core curriculum areas

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

Note: **Optional** item #5 establishes priority for summer school enrollment to at-risk student groups identified in the district's LCAP. Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the LCAP must include annual goals to be achieved for all students and for each numerically significant subgroup as defined in Education Code 52052, which may include ethnic subgroups,

**SUMMER LEARNING PROGRAMS** (continued)

socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth if there are at least 30 students in the subgroup (or at least 15 foster youth) 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 with approval by the State Board of Education.

5. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

**OPTION 1:** The remaining openings shall be offered to other district students on a first-come first-served basis.

~~**OPTION 2:** The remaining openings shall be offered to other district students on a lottery basis.~~

Note: Although the determination of excused and unexcused absences is irrelevant for accounting purposes pursuant to Education Code 42238.8, verification of excused absences may still be relevant for purposes of awarding credit for summer school classes. The following **optional** paragraph should be modified to reflect district practice.

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 6154 - Homework/Makeup Work)*

Note: State funding is not available for transportation to summer school. To accommodate students and parents/guardians who need to provide their own transportation, some districts rotate the sites at which summer sessions are offered, as provided in the following **optional** paragraph.

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to accommodate the maintenance needs of district schools.

Note: The following **optional** paragraph should be revised to reflect indicators for program evaluation that have been agreed upon by the Board and Superintendent, as well as a timeline for reports to the Board.

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and disaggregated by grade level, school that the students attend during the regular school year, and student population. In addition, he/she may report on the extent to which students successfully achieved the outcomes established for the program.

## SUMMER LEARNING PROGRAMS (continued)

### Additional Summer Learning Opportunities

Note: The following **optional** section may be revised to reflect district practice and may be adapted for use during intercessions other than summer break. For further information about summer learning opportunities, see CSBA's Summer Learning and Wellness Resource Guide.

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop, implement, and build awareness of organized activities that support summer learning.

*(cf. 1020 - Youth Services)*

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

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

Strategies to support summer learning may include, but are not limited to:

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity

*(cf. 1330.1 - Joint Use Agreements)*

3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component

*(cf. 3260 - Fees and Charges)*

*(cf. 5113.2 - Work Permits)*

*(cf. 6178.1 - Work-Based Learning)*

4. Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals

*(cf. 6020 - Parent Involvement)*

5. Assigning summer vacation homework in core curricular subject(s) for extra credit
6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subjects

**SUMMER LEARNING PROGRAMS (continued)**

7. Arranging opportunities for community service

(cf. 6142.4 - Service Learning/Community Service Classes)

*Legal Reference:*

EDUCATION CODE

- 8482-8484.6 After School Education and Safety Program
- 8484.7-8484.9 21st Century Community Learning Centers
- 37252-37254.1 Supplemental instruction
- 39837 Transportation to summer employment programs
- 41505-41508 Pupil Retention Block Grant
- 41976.5 Summer school programs, substantially disabled persons or graduating high school seniors
- 42238.01-42238.07 Local control funding formula
- 42238.8 Revenue limit per unit of average daily attendance
- 48070-48070.5 Promotion and retention
- 51210 Areas of study for elementary schools
- 51220 Areas of study for grades 1-6
- 51730-51732 Powers of governing boards (authorization for elementary summer school classes)
- 52060-52077 Local control and accountability plan
- 54444.3 Summer program for migrant students
- 56345 Extended-year program for special education students
- 58700-58702 Credit towards summer school apportionments for tutoring and homework assistance
- 58806 Summer school apportionments
- 60851 Supplemental instruction toward exit examination
- CODE OF REGULATIONS, TITLE 5
- 3043 Extended school year, special education students
- 11470-11472 Summer school
- UNITED STATES CODE, TITLE 20
- 6311-6322 Improving basic programs for disadvantaged students
- 7171-7176 21st Century Community Learning Centers

*Management Resources:*

CSBA PUBLICATIONS

Summer Learning and Wellness Resource Guide  
School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness,  
Policy Brief, April 2013

NATIONAL SUMMER LEARNING ASSOCIATION PUBLICATIONS

Healthy Summers for Kids: Turning Risk into Opportunity, May 2012  
New Vision for Summer School, 2010

RAND CORPORATION PUBLICATIONS

Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011

WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
National Summer Learning Association: <http://www.summerlearning.org>  
Partnership for Children and Youth: <http://partnerforchildren.org>  
RAND Corporation: <http://www.rand.org>  
Summer Matters: <http://summermatters2you.net>



**SUPPLEMENTAL INSTRUCTION**

The Governing Board recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs.

- (cf. 5113.1 - Chronic Absence and Truancy)*
- (cf. 5147 - Dropout Prevention)*
- (cf. 5148.2 - Before/After School Programs)*
- (cf. 5149 - At-Risk Students)*
- (cf. 6011 - Academic Standards)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)*
- (cf. 6164.5 - Student Success Teams)*

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student's instruction in the core curriculum areas or physical education.

- (cf. 5148.2 - Before/After School Programs)*
- (cf. 6111 - School Calendar)*
- (cf. 6112 - School Day)*
- (cf. 6176 - Weekend/Saturday Classes)*
- (cf. 6177 - Summer Learning Programs)*

Supplemental instruction shall be offered to:

Note: Item #1 below is for use by districts that receive federal Title I funding. 20 USC 6316 requires that eligible students from low-income families be provided supplemental educational services (e.g., tutoring and other supplemental academic enrichment services) if their Title I school is identified for program improvement for two or more years based on failure to make "adequate yearly progress." Parents/guardians select these services from a list of providers with a demonstrated record of effectiveness. See BP/AR 0520.2 - Title I Program Improvement Schools for details regarding these services.

In addition, if the district is identified for program improvement pursuant to 20 USC 6316, the district must revise its local educational agency plan to incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year. See AR 0520.3 - Title I Program Improvement Districts.

1. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years (20 USC 6316)

- (cf. 0520.2 - Title I Program Improvement Schools)*
- (cf. 0520.3 - Title I Program Improvement Districts)*

**SUPPLEMENTAL INSTRUCTION** (continued)

Note: Education Code 48070.5 **mandates** that districts adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. Although categorical program funding for supplemental instruction for students who have been retained or recommended for retention (Education Code 37252.2) and for students in grades 2-6 who have been identified as being at risk of retention (Education Code 37252.8) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013), the requirement to provide remedial instruction to such students was not eliminated. Districts may design supplemental instructional programs for these purposes in a manner that meets district and student needs, provided they comply with Education Code 48070.5.

2. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)

*(cf. 5123 - Promotion/Acceleration/Retention)*

Note: Item #3 below is for use by districts that maintain any of grades 7-12. Education Code 60851 requires districts to provide supplemental instruction to students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the California High School Exit Examination. Although categorical program funding for such instruction (Education Code 37252) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013), the requirement to provide supplemental instruction for this purpose was not eliminated. Districts may design supplemental instructional programs in a manner that meets district and student needs, provided they comply with Education Code 60851. However, Education Code 60851 clarifies that districts are not required to provide supplemental services using resources that are not regularly available to a school or district.

3. Students in grades 7-12 who do not demonstrate "sufficient progress" toward passing the state exit examination required for high school graduation (Education Code 60851)

*(cf. 6162.52 - High School Exit Examination)*

Note: Pursuant to Education Code 60851, in determining eligibility for supplemental instruction based on students' lack of "sufficient progress" toward passing the state exit exam, districts must use either (1) the results of state assessments and the minimum levels of proficiency recommended by the State Board of Education (Option 1 below) or (2) students' grades and other indicators of academic achievement designated by the district (Option 2 below). Districts selecting Option 2 should specify the other indicators that will be used in the blanks provided.

Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), beginning in the 2013-14 school year, the state assessment system will transition from the Standardized Testing and Reporting program to the California Assessment of Student Performance and Progress; see BP/AR 6162.51 - State Academic Achievement Tests. Thus, districts selecting Option 1 below should consider the availability and appropriateness of state assessments for the purpose of determining students' progress toward passing the exit exam.

**SUPPLEMENTAL INSTRUCTION** (continued)

**OPTION 1:** "Sufficient progress" shall be determined based on a student's results on state assessments administered pursuant to Education Code 60640-60649 and the minimum levels of proficiency recommended by the State Board of Education.

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

~~**OPTION 2:** "Sufficient progress" shall be determined based on a student's grades and the following indicators of academic achievement:~~

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

Note: The following paragraph is for use by districts that selected either Option 1 or 2 above.

The curriculum of the supplemental instructional program shall reflect state academic content standards to the extent that the district curriculum is aligned with those state standards, and shall be designed to assist students to succeed on the exit exam. (Education Code 60851)

Note: Items #1-4 below are **optional**. Although Education Code 37252.8-37254 provide for supplemental instructional programs for students in grades 2-6 having academic deficiencies in mathematics or English language arts, K-12 students seeking enrichment in core academic subjects, and students failing to pass the high school exit exam by the end of grade 12, AB 97 (Ch. 47, Statutes of 2013) redirected the funding for those categorical programs into the local control funding formula. In addition, AB 97 redirected funding for the Pupil Retention Block Grant (Education Code 41505-41506), which allowed funding to be used for the purposes of intensive reading or algebra programs, into the local control funding formula. At its discretion, the district may continue to offer supplemental instruction for these or other purposes in accordance with the goals and strategies identified in its local control and accountability plan (LCAP); see BP/AR 0460 - Local Control and Accountability Plan.

In addition, contingent on the district budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Based on state assessment results, grades, or other indicators, demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic standards
2. Have not passed one or both parts of the high school exit exam by the end of grade 12

Note: **Optional** item #3 below provides that supplemental instruction may be offered to students in targeted at-risk student groups identified in the district's LCAP. Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the LCAP must include annual goals to be achieved for all students and for

**SUPPLEMENTAL INSTRUCTION** (continued)

each numerically significant subgroup as defined in Education Code 52052, which may include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, and foster youth if there are at least 30 students in the subgroup (or at least 15 foster youth) 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 with approval by the State Board of Education.

3. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 3100 - Budget)*  
*(cf. 3553 - Free and Reduced-Price Meals)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6174 - Education for English Language Learners)*

4. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

*(cf. 6142.6 - Visual and Performing Arts Education)*  
*(cf. 6142.7 - Physical Education and Activity)*  
*(cf. 6142.91 - Reading/Language Arts Instruction)*  
*(cf. 6142.92 - Mathematics Instruction)*  
*(cf. 6142.93 - Science Instruction)*  
*(cf. 6142.94 - History-Social Science Instruction)*  
*(cf. 6143 - Courses of Study)*  
*(cf. 6172 - Gifted and Talented Student Program)*

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

*(cf. 1020 - Youth Services)*

When determined to be necessary by the principal or designee, a student may be required to participate in a supplemental instruction. In such cases, written parent/guardian consent shall be obtained for the student's participation.

*Legal Reference: (see next page)*

**SUPPLEMENTAL INSTRUCTION** (continued)

*Legal Reference:*

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

37252-37254.1 *Supplemental instruction, summer school*

41505-41508 *Pupil Retention Block Grant*

42238.01-42238.07 *Local control funding formula*

46100 *Length of school day*

48070-48070.5 *Promotion and retention*

48200 *Compulsory education*

48985 *Translation of notices*

51210-51212 *Courses of study, elementary schools*

51220-51228 *Courses of study, secondary schools*

52060-52077 *Local control and accountability plan*

60603 *Definitions, core curriculum areas*

60640-60649 *California Assessment of Student Performance and Progress*

60850-60859 *High school exit examination*

CODE OF REGULATIONS, TITLE 5

11470-11472 *Summer school*

UNITED STATES CODE, TITLE 20

6316 *Program improvement schools and districts*

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Supplemental Educational Services, January 14, 2009*

*Creating Strong Supplemental Educational Services Programs, May 2004*

WEB SITES

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

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

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

**GENERAL OBLIGATION BONDS**

Note: Article 16, Section 18 of the California Constitution permits school districts to issue bonds for the construction of school facilities with either a 66.67 percent or 55 percent approval by local voters. To qualify for the lower 55 percent (Proposition 39) threshold, districts must use the bond funds for certain purposes and fulfill additional accountability requirements, as specified in this Board policy and accompanying administrative regulation.

Education Code 15100 sets forth conditions under which the Governing Board may call for a bond election. Pursuant to Education Code 15266, these conditions must be satisfied if the Board is seeking either the 66.67 percent or 55 percent approval threshold. The following paragraph is consistent with Education Code 15100.

In 88 Ops.Cal.Atty.Gen. 46 (2005), the Attorney General opined that a school district may use district funds to hire a consultant to assess the feasibility of developing a bond measure and to assess the public's support and opposition. However, according to the Attorney General, a district may not use district funds to hire a consultant to develop and implement a strategy to build a coalition to support the bond because such activities would be an impermissible use of public funds for campaign purposes in violation of Education Code 7054. For further discussion regarding use of district funds for political purposes, see BP 1160 - Political Processes.

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

*(cf. 1160 - Political Processes)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7210 - Facilities Financing)*

Note: For bonds requiring a 55 percent majority, Education Code 15268 and 15270 set limits as to the maximum amount of the bond and the tax rate that may be levied as a result of the bond. Limitations for bonds requiring a 66.67 percent majority are detailed in Education Code 15102-15109.

The Board shall determine the appropriate amount of the bonds in accordance with law.

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

**Bonds Requiring 55 Percent Approval by Local Voters**

Note: Pursuant to Education Code 15266, upon adoption of the resolution specified below, the district must comply with the accountability provisions required for the 55 percent threshold, even if the bond ultimately passes by a 66.67 percent majority of the voters.

**GENERAL OBLIGATION BONDS** (continued)

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

*(cf. 9323.2 - Actions by the Board)*

Note: Education Code 15266 requires that the bond election be held only during a regularly scheduled local election at which all of the electors (voters) in the district are entitled to vote. Therefore, those school districts whose boundaries encompass more than one city or county or whose board members are elected by trustee area must ensure that the bond election is on a ballot in which all of the electors in the district are entitled to vote, such as a statewide primary, general, or special election.

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities
3. The refunding of any outstanding debt issuance used for the purposes specified in items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 6151 - Class Size)*

**GENERAL OBLIGATION BONDS** (continued)

Note: The question of whether or not bond proceeds may be used to pay the costs of the audits required pursuant to items #3-4 below should be referred to the district's legal counsel. However, an Attorney General opinion (87 Ops.Cal.Atty.Gen. 157 (2004)) supports the use of bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on bond projects. According to the opinion, because these audits are expressly required by Proposition 39 and are directly related to the bond projects rather than routine school operations, these project administration costs may be considered as within the purposes specified in California Constitution Article 13A, Section 1(b)(3)(A) and therefore are an appropriate expenditure of bond proceeds.

The performance audit described in item #3 may include an evaluation of the planning, financing, and implementation of the overall facilities program.

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

Note: If the district has a general obligation bond approved under the 55 percent threshold, Education Code 15278 requires that the Board appoint a citizens' oversight committee. See the accompanying administrative regulation for requirements related to the composition and duties of the committee.

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9324 - Minutes and Recordings)*

Note: Pursuant to Education Code 15286, as amended by SB 581 (Ch. 91, Statutes of 2013), the district is required to ensure that performance and financial audits specified in items #3-4 above are issued in accordance with law and provided to the citizens' oversight committee as specified in the following paragraph.

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)



**GENERAL OBLIGATION BONDS** (continued)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

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

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

**Bonds Requiring 66.67 Percent Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

Note: Pursuant to Education Code 15101, an election for a bond measure that requires 66.67 percent approval may be held only on specified days. Districts using this option should coordinate efforts with their local elections officials to ensure compliance with law.

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity

**GENERAL OBLIGATION BONDS** (continued)

5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

Note: The following paragraph is **optional**. Districts that have had approval of a bond with 66.67 percent majority vote are not required by law to appoint a citizens' oversight committee but may, at their discretion, form an oversight committee under requirements and guidelines adopted by the Board.

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

**Certificate of Results**

Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Elections Code 15372, following a bond election, the county elections official must submit a certificate of the election results to the Board, which then must provide certification to the County Board of Supervisors, as specified below.

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

**Resolutions Regarding Sale of Bonds**

Note: The following section applies to bond elections requiring either a 55 percent or 66.67 percent approval by local voters. Pursuant to Education Code 15140, bonds may be offered for sale by either the County Board of Supervisors or the County Superintendent of Schools. However, the County Board of Supervisors may adopt a resolution authorizing a district to sell bonds on its own behalf when the district has not received a qualified or negative certification in its most recent interim financial report; see BP/AR 3460 - Financial Reports and Accountability.

**GENERAL OBLIGATION BONDS** (continued)

In addition to districts' authority to issue bonds pursuant to Education Code 15100-15254, Government Code 53506-53509.5 provide an alternative method. However, effective January 1, 2014, any district that intends to issue bonds using this alternative method is subject to stricter requirements, pursuant to Government Code 53508.5, as added by AB 182 (Ch. 477, Statutes of 2013). Districts using the alternative method may need to further modify this policy and accompanying administrative regulation and should consult with legal counsel as necessary.

Regardless of the method used to issue bonds, pursuant to Education Code 15144.1 and 15144.2, as added by AB 182, the district's total debt service to principal ratio must not exceed four to one and, if the bond allows for the compounding of interest, such as a capital appreciation bond (CAB), and matures more than 10 years after its issuance date, the bond must be redeemable by the district no later than 10 years from issuance. Pursuant to Government Code 53508.6, as added by AB 182, a current interest bond (CIB) may now have a maturity of up to 40 years provided that the district complies with the disclosure requirements specified in Education Code 15146, as amended by AB 182, and makes a finding that the useful life of the facility to be financed with the bonds is at least equal to the maturity date of the bonds.

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

Note: To ensure prudence in the expenditure of district resources, the Board should carefully consider all available funding instruments, such as CIBs, CABs, and convertible capital appreciation bonds, how the bonds will be sold, and other related issues as specified in Education Code 15146. Districts considering the method of bond sale and kinds of bonds to sell are encouraged to review CSBA's Governance Brief [Bond Sales - Questions and Considerations for Districts](#).

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall disclose, as an agenda item at a public meeting, either in the bond issuance resolution or a separate resolution, available funding instruments, the costs and suitability of each, and all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected

**GENERAL OBLIGATION BONDS** (continued)

3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

Note: Pursuant to Education Code 15146, as amended by AB 182 (Ch. 477, Statutes of 2013), the district must comply with the requirements specified in the following two paragraphs if it intends to sell bonds that allow for compounding of interest, including, but not limited to, CABs.
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When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), items #1-4 above and the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds shall be included in the resolution to be adopted by the Board. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest
2. A comparison to the overall cost of current interest bonds
3. The reason bonds that allow for the compounding of interest are being recommended
4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146; Government Code 53509.5)

## **GENERAL OBLIGATION BONDS (continued)**

### **Bond Anticipation Notes**

Note: Pursuant to Education Code 15150, the district is authorized to issue a bond anticipation note when the Board determines by resolution that it is in the best interest of the district to finance a facilities project on an interim basis in anticipation of the sale of bonds that has been approved by voters. The note may only be issued in accordance with law and subject to terms and conditions prescribed by the Board.

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Note: Education Code 15150 clarifies that interest on a bond anticipation note may be paid at maturity from the proceeds of the sale of the bond in anticipation of which it was issued or paid periodically from a property tax levied for that purpose if certain conditions are satisfied.

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

*Legal Reference: (see next page)*

**GENERAL OBLIGATION BONDS (continued)**

*Legal Reference:*

EDUCATION CODE

7054 *Use of district property, campaign purposes*

15100-15254 *Bonds for school districts and community college districts*

15264-15288 *Strict Accountability in Local School Construction Bonds Act of 2000*

17577 *Sewers and drains*

47614 *Charter school facilities*

ELECTIONS CODE

324 *General election*

328 *Local election*

341 *Primary election*

348 *Regular election*

356 *Special election*

357 *Statewide election*

1302 *School district election*

15372 *Elections official certificate*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

8855 *California Debt and Investment Advisory Commission*

53506-53509.5 *General obligation bonds*

53580-53595.5 *Bonds*

54952 *Definition of legislative body, Brown Act*

CALIFORNIA CONSTITUTION

Article 13A, Section 1 *Tax limitation*

Article 16, Section 18 *Debt limit*

COURT DECISIONS

*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356*

ATTORNEY GENERAL OPINIONS

88 *Ops.Cal.Atty.Gen. 46 (2005)*

87 *Ops.Cal.Atty.Gen. 157 (2004)*

*Management Resources:*

CSBA PUBLICATIONS

*Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012*

*Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011*

WEB SITES

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

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

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

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

**GENERAL OBLIGATION BONDS**

**Election Notice**

Note: Notice and ballot requirements for bond elections are specified in Education Code 15120-15126. Additional requirements for bond measures with a 55 percent (Proposition 39) threshold are contained in Education Code 15272.

Whenever the Governing Board orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable.

**Citizens' Oversight Committee**

Note: The following **optional** section is for use by districts that have appointed an independent citizens' oversight committee, as required by Education Code 15278 for districts that have had a general obligation bond approved under the 55 percent threshold. The section may also be adapted for use by districts that have had approval of a bond with 66.67 percent majority vote that choose to appoint an oversight committee at their discretion; see the accompanying Board policy.

If a bond is approved under the 55 percent majority threshold pursuant to Proposition 39 (Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a district student
5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 1230 - School-Connected Organizations)*

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

*(cf. 9270 - Conflict of Interest)*

**GENERAL OBLIGATION BONDS** (continued)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee may serve for no more than three consecutive terms of two years each. They shall serve without compensation. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) and (D) of the California Constitution

*(cf. 3460 - Financial Reports and Accountability)*

2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution
3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district
4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, the following:



**GENERAL OBLIGATION BONDS** (continued)

- a. Mechanisms designed to reduce the costs of professional fees
- b. Mechanisms designed to reduce the costs of site preparation
- c. Recommendations regarding the joint use of core facilities

*(cf. 1330.1 - Joint Use Agreements)*

- d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
- e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

*(cf. 7110 - Facilities Master Plan)*

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

Note: Pursuant to Government Code 54952, open meeting laws (the Brown Act) apply to any commission, committee, board, or other body created by formal action of the Governing Board, regardless of whether that body is permanent or temporary, decision-making or advisory.

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

*(cf. 9320 - Meetings and Notices)*

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

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

*(cf. 1340 - Access to District Records)*

**Reports**

Note: The following section applies to all bond elections.

**GENERAL OBLIGATION BONDS** (continued)

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition